Supreme Court, U.S.
FILED

06-321 JUL 18 2006

OFFICE OF THE CLERK

SUPREME COURT OF THE UNITED STATES

ROBERT LEE BROADNEX
PETITIONER

VERSUS

STATE OF CALIFORNIA
RESPONDENTS

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF CALIFORNIA

Exhibits to Petition part 2
Pages 172-307

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EXHIBIT E

TRIAL TESTIMONY OF DAPHNE CADE

ARE EXCUSED. THANK YOU, SIR. THANK YOU, SIR.
YOUR NEXT WITNESS IS?
MR. BROUCHAM: DAPHNE CADE, YOUR HONOR.

CALLED AS A WITNESS ON BEHALF OF THE PEOPLE, HAVING
FIRST BEEN DULY SWORN, WAS EXAMINED AND TESTIFIED AS.
FOLLOWS:
THE CLERK: YOU DO SOLEMNLY SWEAR THAT THE
TESTIMONY YOU MAY GIVE IN THE CAUSE NOW PENDING
BEFORE THIS COURT SHALL BE THE TRUTH, THE WHOLE
TRUTH, AND NOTHING BUT THE TRUTH, SO HELP YOUGOD?
THE WITNESS: YES, I DO.
THE CLERK: BE SEATED.
STATE YOUR NAME, PLEASE.
THE WITNESS: DAPHNE RENEE CADE.
D-A-P-H-N-E. R-E-N-E--E. C-A-D--E.

DIRECT EXAMINATION
BY MR. BROUGHAM:
Q GOOD AFTERNOON, MISS CADE.
A AFTERNOON.
Q I WANT You TO THINK BACK TO THE EARLY
MORNING HOURS .OF AUGUST 18 OF LAST YEAR.

25 DO YOU REMEMBER BEING ON 84TH PLACE IN LOS
26 ANGELES AT THE TIME?
27 A YES, I DO.
28 Q AND WERE YOU AT THE TIME RESIDING AT 1110

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1 WEST 84THTH PLACE?
2 A YES.
3Q WHERE SPECIFICALLY ARE YOU RESIDING? IN
4 THE HOUSE OR THE TRAILER?
5 A THE TRAILER.
6 Q AND WERE YOU RESIDING THERE WITH SOMEONE
7 BY THE NAME OF DEBRA JOHNSON?
8 A YES.
9 Q IS SHE THE PERSON WHO HAS BEEN TESTIFYING
10 IN COURT TODAY?
11 A YES.
12 Q SHE'S A FRIEND OF YOURS?
13 A YES.
14 Q GOOD FRIEND OF YOURS?
15 A YES.
16 Q AND DID YOU OBSERVE A SHOOTING TAKE PLACE
17 DURING THE EARLY MORNING HOURS NEAR THAT HOUSE ON
18 AUGUST 18TH?
19 A YES.
20 Q DID YOU KNOW THE V- TIM?
21 A YES.
22 Q DID YOU KNOW THE SHOOTER?
23 A YES.
24 Q DO YOU SEE THE SHOOTER IN COURT

TODAY?
A YES.
Q WOULD YOU PLEASE POINT TO THE SHOOTER AND
TELL ME WHAT HE OR SHE IS WEARING?
A EXCUSE ME.

Q POINT TO THE SHOOTER IN COURT TODAY AND
TELL ME WHAT HE'S WEARING?
A HE IS OVER HERE AND HE HAS A BLACK AND
WHITE SUIT.
Q WHEN YOU SAY "BLACK AND WHITE SUIT," ARE
YOU TALKING ABOUT A BLACK SHIRT AND
A BLACK SHIRT, WHITE JACKET.
THE COURT: THAT DESCRIBES MR. BROADNEX.
MR. BROUGHAM: THANK YOU.
Q AND WHERE~WERE YOU WHEN YOU SAW-- STRIKE
~THAT.
WHO, IF ANYONE, WERE YOU WITH AT THE TIME
BEFORE THE SHOOTING BEGAN?
A WHO WAS I STANDING WITH?
Q RIGHT.
MICHAEL GOOD AND DEMPSEY
AND WHERE IN RELATIONSHIP TO THE HOUSE TO
DEBRA'S HOUSE WERE YOU?
A ABOUT UP BY THE TREE.

Q TREE IN FRONT OF A NEIGHBOR'S HOUSE?
~ A TREE IN FRONT OF A NEIGHBOR'S

HOUSE.
Q AND YOU WERE WITH DEMPSEY AND MICHAEL GOOD AT THE TIME? . . ...
Q WHAT WERE YOU DOING AT THE TIME?
A TALKING.
Q OKAY.

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AND WHAT NAME DID YOU KNOW THE DEFENDANT
BY, IF ANY? YOU UNDERSTAND WHEN I USE THE WORD
"DEFENDANT" I AM TALKING ABOUT THE PERSON THAT YOU
IDENTIFIED AS THE SHOOTER?
A YES.
Q CAN YOU REMEMBER THAT?
A YES.
Q OKAY.
NOW, WHAT NAME DO YOU KNOW THIS MAN BY?
A FELLA
Q FELLOW-? DO YOU KNOW --IS HE ALSO KNOWN
BY ANOTHER NAME?
A LUCKY. S
Q YOU PERSONALLY KNEW HIM BY FELLOW OR LUCKY
OR BOTH?
A. BOTH.
Q AND WHERE WAS LUCKY WHEN YOU FIRST SAW' HIM
THAT MORNING?
A HE WAS COMING DOWN THE STREET.
Q WITH ANYBODY?
A ROBERTO, YES.
Q ROBERTO, IS HE THE GUY THAT GOT

SHOT?
A YES.
Q DO YOU KNOW HIM ALSO?
A YES.
Q WERE YOU FAMILIAR WITH BOTH OF THEM?
A YEAH.
Q AND WHAT -- WHERE WERE THEY COMING FROM?

A REDBONE'S HOUSE.
Q AND WHERE IS REDBONE'S HOUSE?IS IT ON
THE SAME STREET?
A YES.
Q IS IT ON THE SAME SIDE OF THE STREET AS
DEBRA'S OR ANOTHER SIDE?
A OTHER SIDE.
Q OKAY.
AND THEY WERE WALKING TOGETHER?
A YES.
Q AND WHEN THEY WERE TALKING WERE THEY
WALKING TOWARDS WHERE YOU WERE OR WERE THEY WALKING
AWAY FROM WHERE WERE YOU?
A TOWARDS WHERE I WAS.
Q AND YOU WERE NEAR DEBRA'S HOUSE AT THE TIME?,
A YES
Q AND AS THE 2 OF THEM WERE WALKING TOWARDS
YOU COULD YOU TELL WHETHER OR NOT THEY WERE TALKING

TO EACH OTHER?
A YEAH.
Q AND COULD YOU TELL WHAT THEY WERE SAYING
AT THAT POINT?
A NO.
Q YOU COULD HEAR THAT THEY WERE TALKING?
A YES.
Q COULD YOU TELL WHETHER THEY WERE TALKING
AS OPPOSED TO, SAY, ARGUING?

A YES.
Q WHEN YOU SAY "YES," WERE THEY TALKING OR
ARGUING?
A SEEM LIKE AN ARGUMENT TO ME.
Q WHEN YOU SAY SEEMS LIKE AN ARGUMENT, WAS
EITHER LUCKY OR ROBERTO USING A LOUD TONE OF VOICE?
A FELLA WAS KIND OF.
Q FELLOW; WE ARE TALKING ABOUT LUCKY?
A YES.
Q THIS IS FELLOW IN COURT TODAY?
A YES.
Q YOU ARE SURE OF THAT?
A YES.
Q AND YOU SAY HE WAS KIND OF USING A LOUD
TONE OF VOICE?
A YES.
Q •BUT ANOTHER GUY ROBERTO WASN'T?
A NO.
Q BUT YOU COULDN'T HEAR EXACTLY WHAT THEY
WERE SAYING?
A NO.
Q DID THEY AT SOME POINT STOP IN FRONT OF
DEBRA'S HOUSE OR NEAR DEBRA'S HOUSE AND CONTINUE
TALKING?
A YES.
Q THEY CONTINUED TALKING TO EACH OTHER?

27 A YES,.
28 Q AND AT THAT POINT DID FELLOW
STILL HAVE

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1 KIND OF A LOUD TONE OF VOICE?
2 A YES.
3 THE COURT: I SHOULD TELL YOU,
MISS CADE,
4 THAT WHEN THERE'S AN OBJECTION,
DON'T ANSWER THE
5 QUESTION, LET ME RULE ON THE
OBJECTION AND THEN I
6 WILL LET YOU KNOW WHETHER YOU CAN
ANSWER IT OR NOT.
7 THE WITNESS: OKAY.
8 THE COURT: ALL RIGHT.
9 Q BY MR. BROUGHAM: WHILE ALL THIS
WAS GOING
10 ON, WERE YOU STILL' STANDING NEAR
THAT TREE?
11 MR. PATTON: OBJECTION THIS IS
LEADING.
12 THE COURT: OBJECTION IS SUSTAINED.
13 Q BY MR. BROUGHAM: WHAT WERE YOU
DOING
14 WHILE THIS WAS, GOING ON?,
HAD YOU MOVED OR WERE YOU STILL
16 UNDER THE TREE
17 A STILL STANDING UNDER THE TREE
18 Q AND WHO ELSE WAS OUTSIDE IN THE
GENERAL
19 AREA BESIDES LUCKY, ROBERT,
YOURSELF, DEMPSEY AND
20 ROBERT GOOD? EXCUSE ME; MICHAEL
GOOD?

A WHO ELSE?
Q RIGHT.
A NOBODY.
Q NOW, DID YOU AT ANY POINT BEFORE THE SHOOTING, JUST BEFORE THE SHOOTING, SEE DEBRA?
A YES.
Q WHERE DID YOU SEE HER AT/
A ON HER PORCH.

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Q~ DID YOU SEE HER COME OEF THE PORCH FOR A COUPLE MINUTES
A. YES
Q AFTER SHE CAME OFF, SPENT A COUPLE MINUTES OFF THE PORCH, DID YOU SEE HER GO INTO THE HOUSE?
A YES.
Q DID THE SHOOTING TAKE PLACE BEFORE SHE WENT INTO THE HOUSE OR AFTER SHE WENT IN THE HOUSE?
A AFTER.
Q DID SHE GO WITH ANYBODY IN THE HOUSE?
A HER SON.
Q WHAT'S HER SON'S NAME?
A MICHAEL FERGUSON.
Q SO AT THE TIME OF THE SHOOTING, THE PEOPLE'; THAT WOULD HAVE BEEN OUTSIDE WOULD HAVE BEEN LUCKY, ROBERTO, YOURSELF. ,DEMPSEY, MICHAEL GOOD AND ANYBODY ELSE?
A NO

19 JUST THOSE 5, TO THE BEST OF YOUR MEMORY?
20 A YES.
21 Q NOW; HOW DID THE -- 'WHEN IS THE FIRST
22 TIME YOU SAW A GUN? STRIKE THAT.
23 LET ME ASK YOU ANOTHER QUESTION.
24 YOU SAID SOME POINT THEY CONTINUED
25 TALKING. DID SOMETHING HAPPEN? DID A SHOOTING
26 HAPPEN AFTER THEY WERE TALKING FOR A FEW MINUTES.
27 MR. PATTON:; THIS IS VERY LEADING.
28 THE COURT: OBJECTION IS SUSTAINED.

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1 WHY DON'T YOU TRY NOT TO ASK LEADING
2 QUESTIONS.
3 MR. PATTON: MAY WE APPROACH THE BENCH.
4 THE COURT: NO.NEED TO; JUST DON'T ASK
5 LEADING QUESTIONS.
6 Q BY MR. BROUGHAM: AT SOME POINT AS LUCKY
7 AND ROBERTO WERE TALKING IN FRONT OF DEBRA'S HOUSE,
8 DID SOMETHING HAPPEN?
9 A YES.
10 Q WHY DON'T YOU TELL US WHAT THE FIRST THING
11 THAT YOU SAW WAS THAT HAPPENED?
12 A - I WAS BACK AND I HEARD FELLOW TELL --
13 WELL, HE HAD THE GUN TO HIS HEAD. PUT IT LIKE THAT.
14 Q WHO HAD THE GUN TO WHOSE HEAD?

15 A LUCKY HAD THE'GUN TO ROBERTO'S HEAD.,
16 Q DID YOU SEE HOW HE GOT THE GUN TO ROBERTO'S HEAD?
18 A NO.
19 Q DID YOU -- WHAT WERE THEY DOING JUST
20 BEFORE LUCKY PUT THE GUN TO ROBERTO'S HEAD?
21 A ARGUING I GUESS. I MEAN THAT'S WHAT IT
22 APPEARED TO ME. -
23 Q NOW, AT THIS POINT COULD YOU TELL WHAT -
24 THEY WERE SAYING OR CAN YOU HEAR?
25 A NO.
26 Q SO THE -- SO AT NO POINT YOU COULD HEAR
27 EXACTLY WHAT WAS BEING SAID?
28 A NO.

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1 Q AND WAS THE GUN ALREADY AT ROBERT'S HEAD
2 WHEN YOU SAW THE GUN FIRST OR DID YOU SEE THE GUN
3 EARLIER?
4 A THE GUN WAS ALREADY AT HIS HEAD.
5 Q AND DID YOU LOOK DIRECTLY AT LUCKY WHEN HE
6 PUT THE GUN TO ROBERT'S HEAD?
7 A YES. S
8 Q AND HOW FAR AWAY FROM LUCKY OR FELLOW WERE
9 YOU WHEN YOU SAW THE GUN AT ROBERT'S HEAD?

10 A STILL UNDER THE TREE.
11 Q AND IF YOU ARE UNDER THE TREE, TELL ME
12 WHERE LUCKY WOULD- BE STANDING WHEN YOU SAW HIM WITH
13 THE GUN TO ARE ROBERTO'S HEAD? S
14 A WHERE YOU ARE. '
15 Q FOR THE RECORD, A DISTANCE OF PERHAPS 20 ~
16 FEET? . . . 1.
17 THE COURT: IT'S ABOUT 21, 22 FEET.
18 SOMETHING LIKE THAT.
19 MR. BROUGHAM: MAY A HAVE A MOMENT?
20 THE COURT: YES.
21 (PAUSE IN PROCEEDINGS.)
22 Q BY MR. BROUGHAM: NOW, WHAT HAPPENED AT
23 THAT POINT AFTER YOU SAW LUCKY PUT THE GUN TO
24 ROBERTO'S HEAD?
25 A TOLD HIM TO LOOK STRAIGHT
26 Q TO THE BEST OF YOUR MEMORY, WAS THAT HIS
27 EXACT WORDS?
28 - A YES.

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1 Q~ DID ROBERTO OBEY LUCKY AND LOOK
2 STRAIGHT?
3 A YES.
4 Q WHEN YOU SAY ROBERTO OBEYED LUCKY, WHAT'
5 DID HE DO?
6 A HE LOOKED STRAIGHT.
7 Q DID HE TURN HIS HEAD?
8 A YEAH.
9 Q IN WHICH DIRECTION DID HE LOOK IN?
10 A HE WOULD BE LOOKING DIRECTLY

ACROSS, THE
STREET FROM WHERE HE WAS STANDING.
Q THEN WHAT HAPPENED AT THAT POINT?
A I TURNED MY HEAD BACK AND THE NEXT THING I, I-..,
KNOW, I HEAR A SHOT.
Q HOW MANY SHOTS?
A :ONE
Q DID YOU ACTUALLY SEE THE SHOT BEING FIRED?
A NO. - .
Q YOU HAD LOOKED AWAY AT THE TIME?
A YES. -
Q WHAT DID YOU DO AFTER YOU HEARD THE SHOT BEING FIRED?
A TOOK OFF RUNNING.
Q WHAT DID DEMPSEY DO?
A TOOK OFF RUNNING.
Q WAS DEMPSEY STILL STANDING NEAR YOU?
A YEAH.
THE COURT: MISS CADE I DIDN'T ALSO TELL

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YOU, BUT THIS LADY HAS TO GET DOWN EVERYTHING YOU
SAY. THE ATTORNEYS ARE GOING TO ASK YOU A LOT OF
QUESTIONS, AND WHAT THEY SAY MAY CHANGE WHEN YOU
LISTEN TO THE WHOLE QUESTION.
SO DON'T ANTICIPATE WHAT THEY'RE GOING TO
ASK YOU. WAIT FOR THEM TO TOTALLY

FINISH THEIR
7 QUESTION AND THEN YOU ANSWER; ALL
RIGHT?
8 THE WITNESS: OKAY.
9 Q BY MR. BROUGHAM: AT THE TIME OF
THE
10 SHOOTING OR RIGHT BEFORE THE
SHOOTING, WAS DEMPSEY
11 STILL WITH YOU AT THE SAME PLACE
UNDER THE TREE OR
12 HAD HE MOVED HIS POSITION?
13 A HE WAS STILL THERE SAME PLACE.
14 Q AND DO YOU KNOW WHERE,
APPROXIMATELY WHERE
15 MICHAEL GOOD WOULD HAVE BEEN JUST
BEFORE THE
16 SHOOTING?
17 A NO.
18 Q DO YOU KNOW WHETHER HE WAS IN THE
AREA?
19 A NO
20 WAS DEMPSEY IN THE AREA?
21 A NO
22 Q WHERE SPECIFICALLY HAD YOU SEEN
MICHAEL
23 GOOD FOR THE LAST TIME WHEN YOU SAW
HIM LAST JUST
24 BEFORE THE SHOT WAS FIRED?
25 A STANDING UNDER THE TREE.
26 Q CLOSE TO YOU?
27 A YES.
28 Q AND WERE YOU CONVERSING WITH
HIM OR DOING
475
1. ANYTHING WITH HIM AT THE TIME?
2 A WE ALL WAS JUST TALKING.
3 Q AND WHEN LUCKY HAD THE GUN TO
4 ROBERT'S

5 HEAD, WHAT SIDE OF ROBERT'S HEAD DID HE
6 HAVE THE GUN
7TO?
8 A I DON'T KNOW WHAT SIDE IT WAS.
9 Q CAN YOU POINT IN COURT TODAY? S
10A THIS SIDE.
11 MR. BROUGHAM: YOUR HONOR,
12INDICATING FOR
13THE RECORD, THE POSITION JUST BEHIND
14 THE LEFT EYEBROW
15 THE COURT: SHE POINTED TO THE LEFT
SIDE OF HER HEAD ABOUT THAT LOCATION.
16 Q BY MR. BROUGHAM: CAN YOU PLEASE
17 DESCRIBE,., USING YOUR OWN ARM AND IF
16YOU NEED TO STAND UP WITH THE COURT'S
17 PERMISSION I BELIEVE THAT WOULD BE
18 OKAY.
19 CAN YOU DESCRIBE THE MOTION OF LUCKY'S
20 ARM WHEN HE HELD THE GUN TO ROBERT'S
HEAD? .
21 IN OTHER WORDS, HOW WAS HE HOLDING
22 THE GUN AGAINST ROBERT'S HEAD? CAN YOU
HOLD YOUR ARM OUT TODAY AS YOU SAW LUCKY
HOLD HIS ARM OUT AS HE
23 ALL I COULD SEE WAS THIS
24 Q DID HE HAVE THE GUN RIGHT UP AGAINST
25 ROBERT'S HEAD?
26 YES
27 Q WAS HIS ARM FULLY EXTENDED OR WAS
HIS 28ARM BENT?

A IT WAS FULLY EXTENDED.
Q DO YOU RECALL EXACTLY WHETHER IT WAS HIS LEFT HAND OR RIGHT ARM OR DO YOU?
A NO, I DON'T.
Q BUT YOU KNOW IT WAS HIS ARM?
A YES. - -
Q THEN AFTER YOU HEARD THE GUNSHOT, YOU BEGAN TO RUN?
A YES.
Q AND DID DEMPSEY BEGIN TO RUN?
A YES. WE BOTH TOOK OFF RUNNING TOGETHER.
Q DID YOU SEE MICHAEL GOOD RUN
A AFTER I GOT UP THE STREET, HE PASSED ME~ UP - .
Q WHEN YOU TALK ABOUT BEING ACROSS THE STREET, WHERE SPECIFICALLY DID YOU RUN TO?
A APARTMENT STEPS. - -'
Q WHERE WERE -- WOULD THOSE APARTMENT STEPS BE ALSO ON 84TH PLACE?
•A YES.
Q WHERE ON 84TH PLACE?
A ON THE CORNER OF KANSAS.
Q CORNER OF KANSAS AND 84TH?
A YES.
Q AND AT SOME POINT AFTER THAT, DO YOU RECALL THE POLICE SHOWING UP?
A YES.

MR. BROUGHAM: WITH THE COURT'S

PERMISSION, MAY THE WITNESS STEP OFF THE WITNESS STAND.

THE COURT: YOU CAN. IT'S REAL IMPORTANT THAT WE HEAR YOU, SO SPEAK UP REAL LOUD WHEN YOU ARE OVER THERE.

Q BY MR. BROUGHAM: WHAT I AM GOING TO ASK YOU TO DO, IF YOU WOULD, IS DIRECT YOUR ATTENTION TO WHAT'S BEEN MARKED'AS PEOPLE'S 3. STAND AS FAR BACK AS POSSIBLE SO THAT THE JUDGE AND OTHER INDIVIDUALS IN THE COURT CAN SEE THIS.

DO YOU RECOGNIZE THIS DIAGRAM?

A YES.

Q WAS THIS DIAGRAM USED IN THE LAST TRIAL? -

A YES. ' 55

Q DID YOU TESTIFY IN THE LAST TRIAL? -

A YES.

Q DOES THIS DIAGRAM SHOW WHERE THE SHOOTING TOOK PLACE? - S

A YES.

Q AND DIRECTING YOUR ATTENTION TO WHAT'S BEEN MARKED AS 1110 WEST 84THTH PLACE, WHOSE HOUSE IS THAT?

A DEBRA'S.
Q 'AND DIRECTING YOUR ATTENTION TO WHAT APPEARS TO BE A BROWN RECTANGLE MARKED TRAILER, BEHIND THAT HOUSE IS THAT THE TRAILER YOU TESTIFIED TO HAVING STAYED IN OR WAS THAT A DIFFERENT TRAILER?
A THAT'S THE TRAILER.

Q OKAY.
AND DIRECTING YOUR ATTENTION TO WHAT APPEARS TO BE A GREEN LINE, CAN YOU TELL US WHAT THAT WOULD REPRESENT?
A THEM COMING FROM REDBONE'S HOUSE.
Q THEM BEING WHO?
A LUCKY AND ROBERT.
Q LUCKY AND ROBERT.
A UH-HUH.
Q DO YOU KNOW GENERALLY WHERE REDBONE'S HOUSE WOULD BE ON THIS MAP?
A CAN YOU GIVE US A GENERAL IDEA? POINT ON THIS MAP WHERE YOU BELIEVE REDBONE'S HOUSE WOULD BE?
A RIGHT THERE - - -
Q SPECIFICALLY WHICH NUMBER? WHY DON'T YOU COME UP AND POINT IT OUT TO ME SPECIFICALLY.
A THIS ONE.
Q SOMEWHERE AROUND 1119 CIRCLE

WITH AN ARM ' -'
FOR REDBONE, YOUR HONOR.
DIRECTING YOUR ATTENTION TO WHAT'S BEEN
MARKED AS A GREEN "X", WHAT DOES THAT REPRESENT,
WHAT LOCATION IS THAT?
DO YOU SEE THE GREEN "X" HERE?
A DEBRA'S DRIVEWAY.
Q AND WHAT TOOK PLACE AT THAT GREEN "X", IF
ANYTHING?
Q LET ME WITHDRAW THAT QUESTION AND ASK YOU

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THIS QUESTION.
WHERE IN THIS DIAGRAM WERE LUCKY AND
ROBERT STANDING WHEN YOU SAW LUCKY WITH THE GUN TO
ROBERT'S HEAD?
A RIGHT HERE.
Q OKAY.
NOW, I WANT YOU TO POINT SPECIFICALLY.
YOU POINTED HERE SPECIFICALLY?
A RIGHT HERE.
Q RIGHT HERE. INDICATING JUST BELOW A GREEN
RECTANGLE. S
WOULD THAT BE IN THE DRIVEWAY?
A YES.
Q AND IS THAT WHERE THEY WERE STANDING WHEN
YOU SAW ROBERT BEING SHOT?
A YES.

17 Q AND WHERE SPECIFICALLY ON THIS DIAGRAM
18 WOULD YOU HAVE BEEN STANDING WHEN YOU OBSERVED THIS
19 INCIDENT TAKE PLACE?
20 A RIGHT HERE.
21 Q INDICATING POINTING TO A D.C. FOR HER,
22 WHICH REPRESENTS, I BELIEVE, THE LOCATION SHE WAS
23 STANDING.
24 WHAT DOES THIS RED CIRCLE WITH A T. IN IT
25 STAND FOR?
26 A THE TREE.
27 Q DID YOU SHOW ALL THOSE THINGS TO THE
28 PREVIOUS PROSECUTOR IN THE PREVIOUS TRIAL?

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1 A YES.

2 Q BEFORE THE MARKINGS WERE ON?

3 A YES.
4 Q AND WHAT DOES THE PINK LINE THAT GOES
5 ACROSS THE STREET -- WHAT DOES THAT REPRESENT?
6 A I RAN TO THE APARTMENT ACROSS THE STREET.
7 Q . IS THAT THE APARTMENT BUILDING YOU WERE
8 TALKING ABOUT EARLIER?
9 A YES.
10 Q FOR THE RECORD, INDICATING A, I BELIEVE,

11 WHAT WOULD BE A NORTHERN PATTERN DIAGONALLY ACROSS
12 TO THE NORTHEAST CORNER OF KANSAS AND 84TH PLACE.
13 AND THIS BUILDING AT THE VERY CORNER, IS
14 THAT THE APARTMENTS BUILDING WE ARE TALKING ABOUT?
15 -. A YES
16 Q AND AS YOU STOOD HERE AT THE TREE, WERE
17 YOU STILL PRETTY CLOSE TO THAT FREE TREE WHEN YOU
18 OBSERVED LUCKY WITH THE GUN TO ROBERT'S HEAD?
19 , A -YES. -
20 Q AND THE DISTANCE FROM THAT TREE TO WHERE
21 ROBERT WAS STANDING WHEN THE GUN WAS TO ROBERT'S
22 HEAD, WAS THAT THE DISTANCE YOU DESCRIBED EARLIER IN
23 OR COURT?
24 A THE SAME DISTANCE.
25 Q NOW, DID YOU HAVE ANY PROBLEM RECOGNIZING
26 LUCKY WHEN YOU SAW HIM COME WALKING UP THE STREET
27 WITH ROBERT?
28 A NO.

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1 Q DID YOU HAVE ANY PROBLEM RECOGNIZING -
2 ROBERT?
3 A NO.
4 Q DID YOU HAVE TO TAKE A SECOND LOOK AT THEM
5 OR DID YOU RECOGNIZE BOTH OF THEM

RIGHT AWAY?
A I RECOGNIZED BOTH OF THEM.
Q HAD YOU KNOWN BOTH OF THEM IN THE COMMUNITY?
A YES.
Q ABOUT HOW LONG HAD YOU KNOWN LUCKY IN THE COMMUNITY?
A ABOUT 3 OR 4 YEARS.
Q DURING THOSE 3OR 4 YEARS, ON THE AVERAGE, HOW MANY TIMES A WEEK WOULD YOU SAY YOU SAW THIS MAN?
A MAYBE TWICE.
Q ABOUT TWICE A WEEK?
A YEAH.
Q DURING THOSE OCCASIONS, DURING THOSE 3 OR-- 4 YEARS THAT YOU WOULD SEE HIM, WOULD YOU ON SOME OF THOSE OCCASIONS HAVE AN OPPORTUNITY TO LOOK AT HIM DIRECTLY IN THE FACE?
A YES.
Q AND HOW ABOUT ROBERT, ABOUT HOW LONG HAD YOU KNOWN HIM IN THE COMMUNITY?
A ABOUT THE SAME.
Q SO ALSO ABOUT 3 OR 4 YEARS?
A UH-HUH.

---

1 DURING THOSE THREE OR FOUR YEARS, HAVE YOU HAD -- /
2 ALSO HAD OPPORTUNITY TO LOOK HIM DIRECTLY IN THE FACE?
YES;

Q HAVE YOU EVER HAD A PROBLEM RECOGNIZING
EITHER ONE OF THEM?
A NO.
Q OKAY.
AND WAS. THERE ANY LIGHTING PROBLEMS IN
WATCHING LUCKY AND ROBERT AS THEY STOOD ABOUT 21
FEET AWAY FROM YOU?
A NO.
Q WHY DON'T YOU RETURN TO YOUR SEAT IF YOU
WOULD. S
A (WITNESS COMPLIED.) S -- -.
MR. BROUGHAM: YOUR HONOR, MAY I APPROACH
WITH THE OTHER SET OF PICTURES? S
' THE COURT: YEAH. NEITHER YOU NOR MR.
PATTON HAVE TO ASK TO APPROACH. JUST GO AHEAD AND
DO IT.
MR. BROUGHAM: OKAY. S
Q IF YOU WOULD BE SO KIND AS TO STEP OFF THE
WITNESS STAND AGAIN. S
DO YOU RECOGNIZE THESE PHOTOGRAPHS IN
PEOPLE'S NUMBER 1?
A YES.
Q WERE YOU SHOWN THESE PHOTOGRAPHERS DURING
THE LAST TRIAL?

A YEAH.
Q OKAY.

DID YOU ASSIST THE PROSECUTOR IN MAKING THESE MARKINGS?

A YES.

Q NOW, SHOWING YOU WHAT APPEARS TO BE A STICK FIGURE ON PHOTOGRAPH 1-D WHAT DOES THAT REPRESENT?

A ROBERTO.

Q ROBERTO? --

A YES.

Q IS THAT ABOUT WHERE HE WAS WHEN HE GOT SHOT?

A YES.

Q AND DIRECTING YOUR ATTENTION TO A -- MOVING BACKWARDS TO THE LEFT SIDE HERE, PEOPLE'S 1-B, SHOWING YOU A TREE IN THE MIDDLE OF THE PICTURE WITH A BLACK CIRCLE AND THE INITIAL D, WHAT TREE IS THAT, CAN YOU TELL US?

A THE TREE I WAS STANDING UNDER.

Q AND WHAT DOES THE D AND A GREEN LETTER STAND FOR?

A DEBRA.

Q WELL, YOU ALREADY INDICATED EARLIER THAT THIS WAS THE TREE YOU WERE STANDING BY; RIGHT.

WHERE IN THIS DIAGRAM WOULD DEMPSEY HAVE BEEN STANDING?

28 A RIGHT HERE. STANDING WITH ME.

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1 Q INDICATING NEXT TO THE TREE.

2 AND M. G., MICHAEL GOOD.

3 Q DO YOU RECALL MICHAEL GOOD AT ANY POINT

4 DURING THE INCIDENT STANDING A FEW FEET?

5 A HE--

6 Q HE--

7 THE COURT: HOLD ON.

8 WAIT UNTIL THE ATTORNEYS FINISH THE
9 QUESTION.

10 Q BY MR. BROUGHAM: I AM NOT CONCERNED AT

11 THIS POINT WITH EXACTLY WHAT POINT, BUT DO YOU

12 REMEMBER SEEING MICHAEL GOOD AT SOME
13 POINT DURING THE INCIDENT STAND NEAR THAT TREE?

14 A YES.

15 Q AND HOW ABOUT L.R., WHAT DOES THAT

REPRESENT? OR ACTUALLY -- STRIKE THAT.

17 DIRECTING YOUR ATTENTION TO PEOPLE'S C,

18 WHERE IT'S MARKED L.R., THE BEGINNING OF THE

19 DRIVEWAY INTO DEBRA'S HOUSE, WHAT DOES THAT

20 REPRESENT, THAT PARTICULAR SPOT RIGHT THERE?

21 A THIS SPOT RIGHT HERE. I GUESS
WHERE THE
22 ACCIDENTS OCCURRED.
23 Q WHY DON'T YOU TELL ME, LOOKING
AT THIS
24 PHOTOGRAPH, WHERE LUCKY AND ROBERT
WOULD HAVE BEEN
25 STANDING WHEN THEY WERE ARGUING AND
ALSO WHERE LUCKY
26 AND ROBERT WOULD HAVE BEEN STANDING
WHEN ROBERT GOT
27 SHOT?
28 A RIGHT HERE. -

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1 Q THAT'S AN X NEXT TO A D.
J. FOR THE
2 RECORD.

YOU MAY GO AHEAD AND RETURN TO YOUR SEAT.
NOW, THE WHOLE TIME WHILE YOU SAW LUCKY
AND ROBERT TALKING, DID LUCKY TALK TO
ANYONE ELSE?
OR JUST ROBER?
JUST ROBERT

8 Q AND ROBERT TALK TO ANYBODY ELSE OR
JUST
9 LUCKY?
10 A JUST LUCKY.
11 Q COULD YOU TELL WHETHER OR
NOT LUCKY WAS
ANGRY?
A NO.
14 ,Q NO, HE WASN;'T ANGRY?,
15 - A I COULDN'T TELL. -
16 . Q YOU COULDN'T TELL, OKAY.
17 AND AT ANY POINT WHILE HE WAS

STANDING IN

18 DEBRA'S DRIVEWAY, WERE YOU ABLE TO LOOK HIM DIRECTLY

19 IN THE FACE EITHER AS HE PUT THE GUN TO ROBERT'S
20 HEAD OR BEFORE HE PUT THE GUN TO ROBERT'S HEAD?
21 A YES.
22 Q WERE YOU ALSO ABLE TO LOOK AT SOME POINT

23 IN ROBERT'S FACE?

24 A YES.

25 Q AND WHERE WERE YOU WHEN THE POLICE SHOWED

26 UP?

27 A ACROSS THE STREET FROM DEBRA'S HOUSE

28 STANDING IN THE MIDDLE OF THE YARD.

1 Q DID YOU SAY ANYTHING TO THEM AT THAT
2 POINT?
3 A NO.
4 Q DID YOU AT SOME POINT 2 DAYS AFTER THE
5 INCIDENT GET PICKED UP BY DETECTIVE ALFORD AND TAKEN

6 TO SOUTH BUREAU HOMICIDE?
7 A YES. -
8 Q AND DID YOU GIVE HIM A STATEMENT AT THAT
9 POINT?
10 A YES. -
11 Q AND DID YOU TELL HIM WHAT YOU TOLD US IN
12 COURT TODAY ABOUT HAVING SEEN LUCKY SHOOT ROBERT?
13 MR. PATTON: OBJECTION. CALLING FOR A
14 CONCLUSION. . S - S
15 , THE COURT: . OVERRULED.
16 WELL, I AM SORRY. EXCUSE ME. THAT IS
SUSTAINED.
Q BY MR. BROUGHAM: DID YOU TELL HIM AT THAT
19 TIME WHAT ,YOU TOLD US IN COURT TODAY ABOUT HAVING
20 SEEN LUCKY WITH A GUN TO ROBERT'S HEAD AND THEN
21 HEARING A GUNSHOT?
22 MR. PATTON: OBJECTION. COMPOUND AND
23 COMPLEX.
24 THE COURT: OVERRULED. YOU MAY ANSWER THAT
25 QUESTION.
26 THE WITNESS: YES.
27 Q BY MR. BROUGHAM: AND DID YOU TRY TO GIVE
28 HIM AN ACCURATE STATEMENT OF WHAT YOU SAW 2 DAYS

EARLIER?
A YES.
Q AND WHEN YOU SPOKE TO HIM, IS THERE
ANYTHING THAT YOU LEFT OUT OF THAT STATEMENT
SPECIFICALLY?
A YES.
Q WHAT DID YOU SPECIFICALLY LEAVE OUT OF
THAT STATEMENT?
A ABOUT NOT TELLING HIM ABOUT MICHAEL AND
DEMPSEY.
Q SO YOU DIDN'T TELL HIM ABOUT MICHAEL GOOD
AND DEMPSEY AND THE FACT THAT THEY WERE OUT THERE AT
THE TIME OF THE SHOOTING?

A RIGHT.

Q OTHER THAN THAT, YOU TOLD HIM WHAT YOU
SAW?

A YES.

Q WAS THERE ANY PARTICULAR REASON YOU WERE
WILLING TO TELL HIM WHAT YOU SAW, BUT YOU WEREN'T
WILLING TO GIVE HIM MIKE GOOD'S AND DEMPSEY'S NAME?
A YEAH, BECAUSE I DIDN'T WANT TO INVOLVE
NOBODY, GET THEM IN, YOU KNOW.
Q DIDN'T WANT TO GET THEM INVOLVED?

24 A NO.
25 Q WHAT WERE YOU AFRAID OF HAPPENING IF YOU
26 GOT THEM INVOLVED?
27 A MIGHT GET HURT.
28 MR. PATTON: OBJECTION.

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1 THE COURT: THE OBJECTION IS?
2 MR. PATTON: CALLING -- IT ASSUMES FACTS
3 NOT IN EVIDENCE THAT SHE WAS AFRAID OF SOMETHING.
4 THE COURT: OVERRULED.
5 YOU MAY ANSWER.
6 Q BY MR. BROTJGHAM: GO AHEAD. DID YOU
7 FINISH YOUR ANSWER?
8 WHAT SPECIFICALLY WERE YOU AFRAID OF
9 HAPPENING. WERE YOU AFRAID OF SOMETHING HAPPENING S
10 TO THEM IF YOU GAVE THE OFFICER THEIR NAMES 'AND SAID
11 THEY WERE THERE AT THE TIME OF THE SHOOTING AND SAW
12 THE SHOOTING?
13 A YEP,,BECAUSE IN MY NEIGHBORHOOD YOU ARE
NOT SUPPOSED TO -- IT'S CALLED A SNITCH.
Q WHAT IS A SNITCH IN YOUR NEIGHBORHOOD?
16 A SOMEBODY THAT TALKS TO THE POLICE.
17 Q - WELL, WHAT IS A

SNITCH?
A I[illegible]ORM THE POLICE REALLY.
Q TELL WAS A SNITCH IS? -.
A SOMEBODY THAT INFORMS THE POLICE.
Q AND IF YOU INFORM THE POLICE THAT YOU **SAW** SOMEBODY DO A SHOOTING, DOES THAT MAKE YOU A SNITCH?
A UH-HUH, YES.
Q IF YOU TELL THE POLICE THAT -SOMEBODY ELSE WAS THERE AND THEY SAW THE SHOOTING --
MR. PATTON: OBJECTION. THIS IS IRRELEVANT.
THE COURT: OVERRULED.

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YOU MAY ANSWER.

I GUESS YOU MAY ASK.
Q BY MR. BROUGHAM: IF YOU TELL THE POLICE

THAT YOU SAW SOMEONE ELSE AND THEY WERE OUTSIDE AND
THEY SAW THE SHOOTING AND YOU GIVE THE POLICE THAT
NAME, DOES THAT MAKE YOU A SNITCH, TOO? S -

A YES.

Q WHAT, TO YOUR KNOWLEDGE, WHAT HAPPENS TO
SNITCHES IN YOUR COMMUNITY?

A NEVER CAN TELL. THEY COULD GET KILLED.

THEY CAN -- SOMETHING COULD HAPPEN TO THEM.

Q WERE YOU AT THE TIME OF THE SHOOTING

AFRAID OF BEING A SNITCH?
A YEP. YES.
Q NOW, AT THE TIME OF THE SHOOTING, THERE

WERE POLICE OUTSIDE; IS THAT RIGHT? S

EXCUSE ME; AFTER THE -- AT SOME POINT

AFTER THE SHOOTING THE POLICE CAME?
A YES. S
Q AND YOU COULD HAVE TALKED TO THEM AT THE

TIME?
A YES.
Q DID YOU CHOOSE NOT TO TALK TO THEM?
A YES.
Q WHY?
A AFRAID.
Q AT SOME POINT, DID YOU MAKE A DECISION TO

28 GO AHEAD AND TELL DETECTIVE ALFORD
WHAT YOU SAW?

1 A YES.

2 Q WHY DID YOU GO AHEAD AND DECIDE TO
TELL
3 HIM WHAT YOU SAW THAT DAY?

4 A BECAUSE IT WAS JUST WRONG WHAT
LUCKY DID;
5 IT WAS JUST WRONG.
6 Q AT SOME POINT, DID YOU COME TO
THE
7 PRELIMINARY HEARING, THE FIRST COURT
HEARING ON THIS
8 CASE AND TESTIFY?

9 A YES.

10 Q AND WHEN YOU TESTIFIED AT THAT
POINT, DID
11 YOU HAVE ANY PROBLEMS RECOGNIZING
LUCKY IN\COURT?
LI IDENTIFY HIM IN COURT? --
15 Q WHEN YOU SPOKE TO THE
DETECTIVE 2 DAYS
16 LATER, DO YOU REMEMBER HIM
SHOWING YOU SOME
17 PHOTOGRAPHS OF SOME PEOPLE?
18 A YES.
19 MR. BROUGHAM: I HAVE, FOR
THE RECORD,
20 YOUR HONOR, WHAT APPEARS TO BE

PEOPLE'S 3. I WANT TO
21 STOP, IF YOU WOULD, AND TAKE A LOOK AT PEOPLE'S 3.
22 THE COURT: I DON'T THINK THAT'S BEEN
23 MARKED.
24 MR. BROUGHAM: I AM SORRY.
25 THE CLERK: I HAVE 3 AS A DIAGRAM.
26 MR. BROIJG}JAM: I HAVE A 6-PACK PHOTO
27 LINE-UP. I ASK THAT BE MARK AS PEOPLE'S 6.
28 THE COURT: RIGHT.

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I Q BY MR. BROUGHAM: PEOPLE'S 6, MISS CADE,

2 DO YOU RECOGNIZE THAT PARTICULAR PHOTOGRAPHIC

3 LINE-UP?
4 A YES.
5 Q IS THAT THE LINE-UP THAT DETECTIVE ALFORD
6 SHOWED YOU?
7 A YES.
8 Q AND WHEN YOU LOOKED AT THAT LOAN LINE-UP,
9 DID YOU RECOGNIZE ANYBODY?
10 A YES.
11 Q WHO DID YOU RECOGNIZE?
12 A FELLOW.
13 Q PERSON YOU DESCRIBED IN COURT?
14 A YES.
15 Q AND WHICH PHOTO IS HE?

16 A 3.
17 Q DID YOU HAVE ANY PROBLEMS IN RECOGNIZING
18 HIM?
19 A NO.
20 Q DID YOU TELL THE DETECTIVE AT THAT TIME
21 THAT THAT WAS THE MAN WHO HAD THE GUN --
22 A YES.
23 Q -- TO ROBERTO'S HEAD?
24 NOW, YOU ALSO CAME IN AND TESTIFIED IN THE
25 FIRST TRIAL IN THIS CASE; IS THAT RIGHT?
26 A YES.
27 Q OKAY.
28 AND DID YOU RECOGNIZE LUCKY AT THAT TIME?

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1 A YES.
2 Q IS LUCKY TODAY IN COURT WEARING HIS HAIR

3 DIFFERENTLY THAN HE DID AT THE TIME OF THE SHOOTING?

4 A YES.

5 Q HOW WOULD YOU DESCRIBE THE DIFFERENCES IN
6 HOW HE LOOKS TODAY AND AT THE TIME OF THE SHOOTING?

7 A HE CUT IT.
8 Q OKAY. HE CUT IT WHEN, BEFORE? IS IT

SHORTER NOW OR LONGER NOW?
A SHORTER.
Q HOW DID HE WEAR HIS HAIR AT THE TIME?
A IN A PONY TAIL.
Q OKAY.

AND IS THERE ANYTHING ELSE DIFFERENT ABOUT
HIM PHYSICALLY HAS AS HE SITS IN COURT BEFORE YOU

THAN AT THE TIME OF THE SHOOTING? S

A YES.

Q WHAT DIFFERENCE WOULD THAT BE?

A HE HAD ON SOME GLASSES.

Q DIDN'T WEAR GLASSES AT THE TIME?

A NO.

Q HOW ABOUT HIS TEETH; YOU SAID YOU SAW HIM

AROUND COMMUNITY FOR 3 OR 4 YEARS. EVER NOTICE

ANYTHING DIFFERENT ABOUT HIS TEETH?
A YES.
Q WHAT'S THAT?
A HE GOT A GOLD TOOTH.
Q DO YOU HAPPEN TO KNOW? IF YOU DON'T,

THAT'S FINE?

A NO.
THE COURT:
WELL, I DON'T KNOW WHAT YOU
DON'T KNOW. SO LET THE ANSWER --
THE QUESTION.
THE WITNESS:

THE COURT:
WHERE HIS TOOTH IS.

WAIT A MINUTE GO AHEAD AND ASK
Q BY MR. BROUGHAM:

ON HIS UPPER TEETH OR LOWER TEETH?

A NO.

Q
DO YOU KNOW WHETHER IT'S
ALL RIGHT.

AND APPROACHING, AND SHOWING YOU WHAT'S

BEEN MARKED AS PEOPLE'S 2, DO YOU
RECOGNIZE THE PERSON IN THAT PHOTOGRAPH?
A YES.
Q IS THAT LUCKY?
A YES.
Q NOW, AT THE TIME OF THE SHOOTING,
DID

LUCKY LOOK MORE LIKE HE DID IN THE
PHOTOGRAPH OR DID

HE LOOK MORE LIKE HE LOOKS IN COURT
TODAY?

A MORE IN THE PHOTOGRAPH.

Q HOW ABOUT HIS HAIR? WAS HIS HAIR
SIMILAR TO WHAT IT IS IN THE PHOTOGRAPH
AT THE TIME OF THE
SHOOTING?
A YES.
Q DID YOU NOTICE ANYTHING EITHER AT THE
TIME

OF THE SHOOTING OR SOME POINT BEFORE THE
SHOOTING DURING THE OCCASIONS WHEN YOU
WOULD SEE LUCKY AROUND

494
THE COMMUNITY, DID YOU NOTICE ANYTHING
UNUSUAL ABOUT
HIS ARMS?
A YES.
Q AND WHY DON'T YOU DESCRIBE FOR THE
JURORS
WHAT YOU
SAW ABOUT HIS ARMS?
A. THEY HAD BANDAGES ON.

Q BOTH ARMS OR ONE ARM?
A BOTH.
Q AT THE TIME OF THE SHOOTING, DO YOU
REMEMBER
SEEING THOSE BANDAGES?
A YES.
Q AND WHY DON'T YOU SHOW US, POINT TO
WHERE
THE BANDAGES WOULD BE AGAIN ON HIS ARMS
AND WHERE
THEY WOULD END-
A FROM HERE TO HERE.

-MR. BROUGHAM: YOUR HONOR, FOR THE

RECORD, I BELIEVE, INDICATING ABOUT THE ELBOW TO -- AT SOME PORTION OF THE HAND SIDE OF THE WRIST.

-THE COURT: HAND SIDE OF THE WRIST; IS THAT CORRECT.
Q BY MR. BROUGHAM: COULD YOU SEE WHETHER

HIS FINGERS WERE INSIDE THE BANDAGES OR OUTSIDE THE
BANDAGES?
A I DIDN'T SEE HIS FINGERS IN THERE.

Q YOU DIDN'T SEE THEM IN THE BANDAGES?

A I DIDN'T SEE HIS FINGERS IN THE BANDAGES.

Q YOU COULD SEE HIS FINGERS OUTSIDE OF THE
BANDAGES?

A/ YES.
Q ON BOTH HANDS?
A YES.
Q OKAY. S
WHEN YOU HAD SEEN HIM AROUND THE COMMUNITY
WITH THESE BANDAGES, DID HE APPEAR TO YOU TO HAVE
ANY DIFFICULT USING HIS FINGERS.
MR. PATTON: OBJECTION CALLS FOR A
CONCLUSION.
THE COURT: OVERRULED.
YOU MAY ANSWER THAT.
THE WITNESS: NO.

Q BY MR. BROUGHAM: WHEN YOU TALK ABOUT
BANDAGES, CAN YOU GIVE ME ANYMORE DETAILS IN TERMS
OF THE TYPE OF BANDAGES OR THE COLOR OF BANDAGES?
A WHITE BANDAGES.
Q WRAPPED AROUND HIS ARM?
A YES. S
Q DO YOU KNOW WHAT ACE BANDAGES ARE?
A YES.
Q ARE THEY SIMILAR TO THAT OR DIFFERENT?
A SIMILAR.
Q AND YOU SPECIFICALLY REMEMBER SEEING THAT
AT THE TIME OF THE SHOOTING.
Q YES.
Q NOW, WAS LUCKY A FRIEND OF YOURS OR WAS HE
AN ACQUAINTANCE OF YOURS? YOU KNOW WHAT I'M ASKING?

YOU SAID YOU ALREADY KNEW LUCKY WELL
AROUND THE COMMUNITY; IS THAT

RIGHT?
A YES.
Q WAS HE A FRIEND OF YOURSELF OR DID YOU JUST KNOW HIM AROUND THE NEIGHBORHOOD?
A I JUST KNOW HIM.
Q BUT YOU 2 NEVER HAD PROBLEMS WITH EACH OTHER, DID YOU?
A NO.
Q HOW ABOUT ROBERTO, WHAT WAS YOUR RELATIONSHIP?
A THE SAME.
, Q YOU KNEW HIM AROUND THE COMMUNITY?
A YES. S
Q BUT YOU WEREN'T A REAL CLOSE FRIEND OF HIS?
A NO.
, Q AND DIRECTING YOUR ATTENTION TO PEOPLE'S 5-A, I WANT YOU TO TAKE A LOOK AT IT REAL QUICK; DO YOU RECOGNIZE THAT PERSON?
A YES.
0 IS THAT ROBERTO?
A YES.
MR. BROUGHAM: MAY WE BRIEFLY APPROACH?
THE COURT: THAT'S FINE.
(THE FOLLOWING PROCEEDINGS WERE HELD AT THE BENCH:)

MR. BROUGHAM: I AM SORRY, I AM. WHEN DID YOU SAY YOU WERE GOING TO GO BREAK?

THE COURT: WE NEED TO TAKE A VERDICT, SO I HOPE THAT YOU ARE ALMOST THROUGH WITH DIRECT AND WE WILL BREAK UNTIL TOMORROW.

MR. BROUGHAM: I AM NOT.

THIS WOULD BE A GOOD TIME TO BREAK IF YOU WISH TO TAKE THE BREAK.

THE COURT: HOW MUCH MORE DO YOU HAVE?

WHAT OTHER AREAS ARE YOU GOING TO GO INTO.

MR. BROUGHAM: EXPLAIN SOMETHING -- SOME INCONSTENCIES AND IN HER PREVIOUS TESTIMONY. MORE DETAILS OF HER TRIAL TESTIMONY AND CONVERSATIONS WITH POLICE OFFICERS.

THE COURT: YOU ARE GOING TO IMPEACH HER.

MR. BROUGHAM: YEAH.

IF I DON'T, MR. PATTON WILL.
THE COURT: I AM SURE HE WILL DO THAT ALSO.
WE SHOULD BREAK NOW BECAUSE APPARENTLY THAT JURY NEXT DOOR REACHED A VERDICT. THEY ARE BACK TO WHAT THEY WERE, AND I WILL APOLOGIZE TO THE JURY FOR LEAVING EARLY BUT THIS WILL BE FINE BECAUSE WE ARE GOING TO SPEND 15 OR -20 MINUTES WITH THEM.
MR. BROUGHAM: SO WE WILL BREAK NOW?
THE COURT: YEAH.
(THE FOLLOWING PROCEEDINGS WERE HELD IN

OPEN COURT IN THE PRESENCE OF THE JURY:)

/

THE COURT: TOMORROW WE WILL GO TO 4:30.
TODAY WE HAVE TO BREAK EARLY AGAIN. SO I KNOW YOU HAVE BEEN HERE SINCE 10:30.
WE ALL HAVE BEEN, AND BEEN WORKING REAL HARD, AND SOMETIMES WE DO TOO MANY THINGS AND WE HAVE TO DO SOMETHING ELSE UNTIL 4:30 NEXT DOOR, SO.
WE WON'T BE ABLE TO BE WITH

YOU, BUT THAT WILL GET
10 YOU HOME EARLY. S 5
11 IT'S IMPORTANT NOT TO TALK ABOUT THE CASE
12 OR FORM OR EXPRESS AN OPINION ON IT.
13 10:30 AGAIN TOMORROW. WE SAW YOU PRETTY
14 CLOSE TO THAT TODAY.
15 YOU HAVE TO BE BACK AT 10:30 SHARP. s. SO
16 HAVE A GOOD NIGHT. WE WILL SEE YOU AT 10:30.
17
18 (WHEREUPON AN ADJOURNMENT WAS TAKEN
19 UNTIL WEDNESDAY AUGUST 4, 1993)
20
21
22
23
24
25
26

27

28

1 COMPTON, CALIFORNIA; WEDNESDAY, AUGUST 4, 1993
2 10:55 A.M.
3 DEPARTMENT NO. SC~O" HON. GARY E. DAIGH, JUDGE
4 (APPEARANCES AS HERETOFORE NOTED.)
5

(THE FOLLOWING PROCEEDINGS WERE HELD IN.
OPEN COURT OUT OF THE PRESENCE OF THE
JURY.)

THE COURT: MISS CADE. -

DAPHNE CADE, CALLED AS A WITNESS ON BEHALF OF THE PEOPLE, HAVING BEEN PREVIOUSLY DULY SWORN, RESUMED THE STAND AND TESTIFIED AS FOLLOWS:

THE COURT: WOULD YOU TELL THEM TO COME IN.

S 5

(PAUSE IN PROCEEDINGS.)

(THE FOLLOWING PROCEEDINGS WERE HELD IN
OPEN COURT IN THE PRESENCE OF THE JURY:)

THE COURT: GOOD MORNING.
WE HAVE ALL THE JURORS AND THE ALTERNATE PRESENT, ALL COUNSEL, MR. BROADNEX.
MISS CADE IS ON THE STAND.
WE NEED TO REMIND YOU, MA'AM, YOU ARE STILL UNDER OATH.

LISTEN CAREFULLY TO THE

QUESTIONS THAT ARE
ASKED, AND ANSWER OUTLOUD.
IF YOU DON'T UNDERSTAND THE QUESTION, LET
ME KNOW. ALL RIGHT.
THE WITNESS: OKAY.
THE COURT: YOU WERE IN THE MIDDLE OF
DIRECT.

8

DIRECT EXAMINATION
BY MR. BROUGHAM
Q MAY THE WITNESS STEP OFF THE STAND, YOUR
HONOR?
THE COURT: FINE. AGAIN KEEP YOUR VOICE
UP.
S
Q BY MR. BROUGHAM: IF YOU COULD STAND BACK
AS FAR AS POSSIBLE THERE. S
I AM GOING -TO SLIDE THIS DOWN A LITTLE BIT'
HERE. S
REFERRING TO YOUR ATTENTION TO THE DIAGRAM
THAT'S BEEN MARKED PREVIOUSLY AS PEOPLE'S NUMBER 3,
WHEN YOU STOOD NEAR THIS TREE AND WATCHED LUCKY AND
ROBERT CONVERSE IN THE AREA IN FRONT OF DEBRA'S
HOUSE, WHERE WAS THE GUN WHEN YOU SAW IT FOR THE
FIRST TIME DURING THE INCIDENT?

25 A BY HIS BELT SOMEWHERE DOWN THERE.

26 Q YOU ARE MOVING YOUR HANDS; IS THAT IN THE

27 AREA OF THE BELT LEVEL?
A BELT LEVEL.

/712

1 Q AND WERE YOU WATCHING HIM AS HE BROUGHT IT
2 ALL THE WAY UP TO THE HEAD OR DID YOU JUST SEE IT
3 SOMEWHERE IN THE WAISTBAND AREA?
4 A I JUST SEEN IT SOME WEAR WHERE IN THE
5 WAISTBAND.
6 Q SAW IT SOMEWHERE IN THE WAISTBAND AREA;
7 THE NEXT TIME THAT YOU SAW IT WOULD HAVE BEEN AT THE
8 HEAD OR DID YOU SEE IT SOMEWHERE ELSE?
9 A AT THE HEAD.
10 Q SO YOU -- SO YOU SAW IT SOMEWHERE WHERE
11 THERE IS A BELT BUCKLE AND THEN YOU SAW IT AT THE
12 HEAD?
13 A YES.
14 Q WAS IT RIGHT AFTER YOU SAW THE GUN BEING
15 HELD AT ROBERTO'S HEAD THAT YOU HEARD THE WORDS BY
16 LUCKY OR FELLOW "LOOK STRAIGHT"?

17 A YES. S
18 Q AND WAS IT IMMEDIATELY AFTER THAT OR SOME
19 TIME LATER WHEN YOU HEARD THE GUNSHOT?
20 A AFTER THAT.
21 Q WAS IT IMMEDIATELY AFTER FELLOW SAID TO
22 ROBERTO "LOOK STRAIGHT" THAT YOU HEARD THE GUNSHOT?
23 A YES.
24 Q BY THIS TIME YOU ARE ALREADY LOOKING AWAY?
25 A YES. - -
26 SO YOU DIDN'T SEE THE TRIGGER BEING PULLED?
27
28 A NO

502
Q. YOU MAY GO AND RETURN TO YOUR SEAT. NOW, YOU ALREADY INDICATED, I BELIEVE, THAT YOU TESTIFIED AT THE PRELIMINARY HEARING IN
THIS MATTER; IS THAT CORRECT?
A. YES.
Q AND THEN YOU ALSO TESTIFIED IN THE FIRST
TRIAL IN THIS MATTER?
A YES.
Q NOW, DID YOU HAVE A CHANCE TO LOOK OVER A
COUPLE PORTIONS OF THE PRELIMINARY HEARING
TRANSCRIPT WITH ME BEFORE TESTIFYING IN COURT TODAY? --
A YES.
Q DID YOU NOTICE ONE AREA IN WHICH YOUR

TESTIMONY AT 'THE PRELIMINARY HEARING WAS IN ERROR OR
WRONG?
MR. PATTON:
OBJECTION.
LEADING.
MOVE TO
STRIKE.
THE COURT:
OVERRULED.
Q BY MR. BROUGHAM:
DID YOU NOTICE THAT?
A YES.
Q WHY DON'T YOU DESCRIBE FOR US THAT AREA WHERE THE TESTIMONY WOULD BE INCORRECT?
A THE PARTS ABOUT WHEN HE SAYS I WAS ON THE
STEPS ALL THE TIME.
I WAS ON THE STEPS, BUT IT WAS AT THE END OF THE INCIDENT.
Q SO WHEN YOU REFER TO YOUR PRELIMINARY HEARING TESTIMONY ABOUT THE STEPS IN THE APARTMENT,

1 Q IT'S YOUR TESTIMONY TODAY THAT AT SOME POINT, YOU
2 WERE AT THE STEPS BUT NOT THROUGHOUT THE WHOLE
3 INCIDENT?

4 A YES.

5 MR. PATTON: OBJECTION. LEADING.

6 THE COURT: OBJECTION IS SUSTAINED.

DON'T ASK LEADING QUESTIONS.

Q BY MR. BROUGHAM: DID YOU -- AT SOME POINT

-- WERE YOU AT SOME POINT ON THE STEPS DURING THE INCIDENT?

A EXCUSE ME.

Q AT SOME POINT DURING THE INCIDENT, WERE, YOU AT THE STEPS?

A YES.

Q WAS THAT ONLY THE END OR WERE YOU THERE AT. THE BEGINNING?

A AT THE END.

Q NOW, HOW WOULD YOU DESCRIBE HOW YOU WERE FEELING AT THE TIME OF THE PRELIMINARY HEARING?

A UPSET.

Q WHY WERE YOU UPSET?

MR. PATTON: IRRELEVANT.

THE COURT: OVERRULED.

YOU MAY ANSWER.

THE WITNESS: BECAUSE OF WHAT HAPPENED.

Q BY MR. BROUGHAM: WERE YOU DOING ANYTHING
DURING THE PRELIMINARY HEARING WHILE YOU WERE TESTIFYING?

A CRYING.
Q THROUGHOUT THE PRELIMINARY HEARING?
A YES.

- MR. PATTON: OBJECTION.

THE COURT: OBJECTION IS OVERRULED.

' AGAIN, MISS CADE, YOU HAVE TO WAIT UNTIL I
RULE ON THE OBJECTION.

THE WITNESS: OKAY.

Q BY MR. BROUGHAM: NOW, YOU INDICATED I

BELIEVE THAT YOUR FIRST CONVERSATION WITH THE POLICE
WOULD HAVE BEEN YOUR CONVERSATION WITH DETECTIVE
ALFORD ON THE 20TH; IS THAT CORRECT?

A YES.

Q DID YOU TELL 'HIM DURING THAT CONVERSATION

15 WHAT YOU TOLD US TODAY ABOUT HAVING SEEN FELLOW WITH
16 THE GUN TO ROBERTO'S HEAD?

17 A YES.

18 Q DID YOU TELL HIM DURING THAT CONVERSATION

19 WHAT YOU TOLD US TODAY ABOUT HAVING HEARD FELLOW SAY
20 LOOK STRAIGHT?

21 A YES.

22 Q DID YOU TELL HIM DURING THAT CONVERSATION

23 WHAT YOU TESTIFIED TO IN COURT TODAY THAT YOU THEN
24 HEARD A GUNSHOT IMMEDIATELY?
25 A YES.
26 Q NOW, AFTER THAT TESTIMONY, YOU HAVE
27 INFORMALLY HAD CONVERSATIONS WITH VARIOUS DISTRICT

28 ATTORNEYS AND VARIOUS POLICE OFFICERS IN THE CASE AS

505
1 YOU HAVE BEEN COMING TO COURT?

2 A NO.

3 Q WHAT I AM SAYING IS HAVE YOU

BRIEFLY
4 DISCUSSED THE CASE?

5 MR. PATTON: MAY WE APPROACH.

6 THE COURT: THAT'S FINE.

7 (THE FOLLOWING PROCEEDINGS WERE HELD AT

8 THE BENCH:)

9

10 MR. PATTON: THE OBJECTION, YOUR HONOR,

11 HAS TO DO WITH I BELIEVE THE QUESTION IS GOING TO BE

12 DID SHE TELL THOSE DISTRICT ATTORNEYS WHAT SHE WAS

13 TESTIFYING TO NOW, AND WITHOUT A PROPER FOUNDATION

14 BEING LAID AS TO WHO THOSE DISTRICT ATTORNEYS ARE

15 AND SOME TYPE OF RECORD I CAN REVIEW, CALL THOSE

16 DISTRICT ATTORNEYS AND ASK THEM WHAT WAS SAID.

17 WOULD BE PATENTLY UNFAIR.

18 THE COURT: SO THE OBJECTION IS YOU

HAVE

19 TO BE SPECIFIC AS TO, I GUESS, MISS SANTOS OR ALFORD

20 OR YOU OR WHOMEVER.

21 MR. PATTON: AND THE SPECIFIC AREA,

22 BECAUSE WE SEEM TO KEEP RUNNING INTO THE PROBLEM --

23 AND I AM SAYING THIS NOW -- OF LEADING'AND

24 SUGGESTING TO WITNESS WHAT TO SAY.

25 THE COURT: I AGREE WITH YOU.

26 MR. PATTON: AND I WANT TO AVOID

27 OBJECTIONS AND BENCH CONFERENCES. WE ARE HERE NOW

28 I'D LIKE TO TELL COUNSEL AGAIN THAT THERE'S BEEN, IN

510

1 MR. PATTON: I AM ASKING THE COURT -- THE
2 COURT HAS ALREADY ADMONISHED COUNSEL, AND I HOPE
3 COUNSEL WILL FOLLOW THAT ADMONITION ABOUT LEADING.
4 WE'VE HAD A LOT.
5 THE COURT: IF YOU DON'T WANT TO LEAD-- IF
6 YOU DON'T WANT HIM TO LEAD,

THEN I WILL SUSTAIN AN
7 OBJECTION, AND IF I THINK YOU ARE TAKING ADVANTAGE
8 OF IT, I WILL LET YOU KNOW THAT.
9 ON THE OTHER HAND, JUST BECAUSE COUNSEL IS
10 LEADING, DOESN'T MAKE IT ADMISSABLE ESPECIALLY SINCE
11 THE TRIAL HAS BEEN TRIED ONCE BEFORE, IT'S BEEN MY
12, EXPERIENCE IT'S NOT UNUSUAL THAT MORE LEADING
13 HAPPENS THE SECOND TIME AROUND. DOESN'T NECESSARILY
14 MAKE IT ADMISSABLE. AS LONG AS WE KNOW YOU ARE NOT
15 GOING TO WANT THAT TO HAPPEN, WE WILL INDICATE THAT
16 TO MR. BROUGHAM. -'
17 MR. PATTON: VERY GOOD.
18 (THE FOLLOWING PROCEEDINGS WERE HELD IN
19 OPEN COURT IN THE PRESENCE OF THE JURY:)
20
21 THE COURT: THE OBJECTION TO THE LAST
22 QUESTION IS SUSTAINED.
23 PLEASE ASK ANOTHER QUESTION.
24 MR. BROUGHAM: THANK YOU, YOUR HONOR.
25 Q MISS CADE, AS YOU SIT HERE IN COURT TODAY,
26 ARE YOU ABSOLUTELY SURE THAT THIS MAN, THE DEFENDANT

27 LUCKY, WHO YOU KNOW AS EITHER LUCKY OR FELLOW, IS
THE PERSON THAT YOU SAW PUT A GUN TO ROBERTO'S HEAD

511
1 AND THEN TELL HIM TO LOOK STRAIGHT, AND THEN YOU
2 HEARD A GUNSHOT?
3 A YES.
4 MR. BROUGHAN: NOTHING FURTHER.
5 THE COURT: OKAY, MR. PATTON,
6 CROSS-EXAMINATION.
7 Q YOUR HONOR, I HAVE A YELLOW SHEET OF PAPER
8 WHICH WOULD I WOULD LIKE TO HAVE MARKED AS
9 DEFENDANT'S EXHIBIT C?
10 THE COURT: SO MARKED.
11 5 -
12 CROSS-EXAMINATION
13 BY MR. PATTON:
14 Q GOOD MORNING, MISS CADE.
15 A GOOD MORNING. -
16 Q MISS CADE, WILL YOU STEP DOWN FOR A MOMENT
17 AND TAKE A LOOK AT DEFENDANT'S EXHIBIT C.
18 THE COURT: GO AHEAD AND TAKE A GOOD LOOK -
19 AT IT.
20 Q BY MR. PATTON: TAKE A GOOD LOOK AT IT.
21 DO YOU RECOGNIZE THE DEFENDANT'S EXHIBIT C?

22 A YES.
23 Q YOU MAY RESUME YOUR SEAT.
24 MISS CADE, ON JANUARY 8, 1993, YOU WERE
25 PRESENT IN THIS COURTHOUSE IN THE DISTRICT ATTORNEYS
26 OFFICE; IS THAT CORRECT?
27 A YES.
28 Q AND AT THE TIME YOU WERE PRESENT ON

512
JANUARY 8, 1993, YOU ASSISTED A D.A. BY THE NAME OF MISS HUNTER IN THE PREPARATION OF THIS DIAGRAM; IS THAT CORRECT?
A YES.
Q AND THE PURPOSE OF THE PREPARATION OF THIS
DIAGRAM WAS TO DEPICT THE AREAS THAT HAVE BEEN

DEPICTED HERE ON PEOPLE'S EXHIBIT -- I BELIEVE

THAT'S EXHIBIT 6; IS THAT CORRECT, THE ONE THAT'S -

BEFORE YOU?
A YES.
Q AND?
THE COURT: THAT'S EXHIBIT 3 ACTUALLY.
MR. PATTON: PARDON; EXHIBIT 3. AND AT THE TIME YOU WERE WITH MISS HUNTER, IN HER OFFICE; IS THAT CORRECT?
Q AND AT THAT TINE, YOU WERE NOT CRYING IN HER OFFICE; ISN'T THAT CORRECT?

A YES.

Q AT THE TIME YOU WERE WITH MISS HUNTER IN HER OFFICE, WAS I PRESENT?

A NO.

Q AT THE TIME THAT YOU WERE WITH HIS HUNTER ON THE 8TH IN HER OFFICE, WERE YOU CRYING?
A NO.
Q OKAY.
AT THE TIME YOU WERE WITH MISS HUNTER,

MISS HUNTER PREPARED -- AT YOUR DIRECTION
513

1 DIAGRAM OF THE AREA SURROUNDING 1110 WEST 84TH
2 STREET; IS THAT CORRECT?
3 A YES.
4 Q AND, IN FACT, SHE DREW OUT THE STREET
5 THERE 84TH PLACE, WHICH IS EAST/WEST STREET; IS THAT
6 CORRECT?
7 A YES.
8 Q SHE -- ALSO IN HER OFFICE WHILE YOU WERE.
9 NOT CRYING -- DREW OUT KANSAS AVENUE; IS THAT
10 CORRECT?
11 A YES.
12 Q AND SHE ALSO PUT ON THE NORTHEAST CORNER
13 OF KANSAS AVENUE A BOX TO INDICATE

AN APARTMENT
14 BUILDING; IS THAT CORRECT?
15 A YES. .
16 Q ~ AND WHEN YOU WERE IN HER OFFICE AND YOU
17 WERE NOT CRYING, SHE ASKED YOU TO TELL HER ABOUT
18 WHERE REDBONE'S HOUSE WAS, IS THAT RIGHT?
YES.
.Q SHE ASKED YOU TO INDICATE THE APARTMENT
BUILDING~ WHERE YOU WERE; IS THAT CORRECT?
22 A YES; -

23 . Q . SHE ASKED YOU TO. INDICATE WHERE DEBRA'S
24 HOUSE IS; IS THAT RIGHT?

25 A YES.
26 Q .AND ALSO WHILE YOU WERE NOT CRYING AND I
27 WASN'T PRESENT IN MISS HUNTERS OFFICE, SHE ASKED YOU
28 IF, THIS IS THE SAME LOCATION THAT YOU LIVED 1110

514
1 WEST 84TH PLACE; IS THAT RIGHT?
2 A YES.
3 Q NOW, WHEN YOU GOT TO COURT TO TESTIFY AT
4 THE PRELIMINARY HEARING, THAT WAS THE FIRST TIME YOU
5 SAW ME; ISN'T THAT CORRECT?
6 A YES.
7.Q AND AT THE TIME OF THE PRELIMINARY

8 HEARING, MISS HUNTER ASKED YOU TO -- OR TO COME TO
9 THIS DIAGRAM, ASKED YOU IF YOU RECOGNIZE THE
10 DIAGRAM, WAS FAMILIAR WITH IT AND YOU SAID YES; IS
11 THAT RIGHT?
12 A YES.
13 Q SHE ASKED YOU TO MAKE CERTAIN INDICATIONS
14 ON THE DIAGRAM; ISN'T THAT CORRECT?
15 YES
16 Q AND THEN SHE WOULD SAY -- AFTER YOU MADE

17 THE INDICATION ON THE DIAGRAM -- I AM GOING TO MARK
18 THIS WITH A D.C.; IS THAT RIGHT?
19 A YES.
20 Q NOW, TAKE A LOOK AT THIS DIAGRAM.
21 DO YOU SEE A TREE ON THAT DIAGRAM?
22 THE COURT: CAN YOU SEE FROM THERE,
23 MA'AM.
24 Q BY MR. PATTON: YOU CAN STEP DOWN.
25 A ARE YOU TALKING TO ME.
26 Q PLEASE.
27 A NO, I DON'T SEE A TREE.
28 Q NOW, YOU HAVE HAD AN -- YOU MAY RESUME

515
1 YOUR SEAT.
2 YOU HAD AN OPPORTUNITY TO REVIEW THE
3 STATEMENT THAT YOU GAVE TO THE

DETECTIVE; IS THAT
4 CORRECT?
5 A YES.
6 Q HAVING REVIEWED THE STATEMENT THAT YOU
7 GAVE TO THE DETECTIVE, DO YOU SEE ANY PLACE IN THAT
8 STATEMENT ABOUT A TREE?
9 WOULD YOU LIKE ME TO REFRESH YOUR
10 RECOLLECTION?
11 A GO AHEAD.
12 Q LIKE TO HAVE MARKED AS DEFENDANT'S
13 EXHIBIT -- NOW, I WILL JUST FOR THIS PURPOSE ONLY.
14 WILL 'BE DEFENDANT'S EXHIBIT D.
15 TAKE A LOOK AT THAT STATEMENT.
16 DO YOU NEED TO REFRESH YOUR RECOLLECTION
17 TO ANSWER THAT QUESTION WHETHER OR NOT THERE IS
18 ANYTHING IN THERE ABOUT --
19 A SHOULD BE SOMETHING IN THERE ABOUT A TREE
20 BECAUSE I DID SAY IT.
21 Q WILL YOU TAKE A LOOK AND SEE IF THERE IS
22 ANYTHING IN THERE ABOUT THE TREE?
23 A NO.
24 Q NOW, MISS CADE, ISN'T IT CORRECT AT THE
25 PRELIMINARY HEARING YOU TESTIFIED AS FOLLOWS: PAGE
26 37 LINE 8 THROUGH 13.
27 " QUESTION, LET ME ASK YOU THIS: WHILE
28 YOU WERE MAKING THIS OBSERVATION OF ROBERTO AND THIS

PERSON WHO SHOT HIM OR RAISED HIS HANDS TOWARD HIM
AT 1110 WEST 84TH PLACE, WERE YOU ALWAYS ON THE
STEPS OF THE APARTMENT BUILDING THERE AT KANSAS?
ANSWER YES
DO YOU RECALL HAVING TESTIFIED IN THAT
FASHION AT THE PRELIMINARY HEARING?
A YES,I DO.
Q PAGE 37 LINE 14 THROUGH 15.

" QUESTION, IT WAS ALWAYS DARK OUTSIDE?
" ANSWER, YES."
DO YOU RECALL HAVING TESTIFIED TO THAT AT
THE PRELIMINARY HEARING?
A YES.
Q PAGE 37 LINE 22 THROUGH 27.
" QUESTION, AND WHO WAS STANDING THERE
WITH YOU AT THE APARTMENT.
" ANSWER, DEMPSEY AND MICHAEL GOOD.
" QUESTION, OKAY. SO MICHAEL GOOD WAS
RIGHT THERE AT THE STEPS WITH YOU?
" ANSWER, YES."
DO YOU RECALL HAVING TESTIFIED IN THAT
FASHION?
A YES.
Q PAGE 38 LINE 5 THROUGH 15.
MR. BROUGHAM: I DON'T BELIEVE ANY OF
THOSE THINGS ARE IMPEACHING.
THE COURT: LET ME READ 5 THROUGH 13.

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THE COURT: LET ME READ IT.
(PAUSE IN PROCEEDINGS.)
I DON'T THINK THAT IT'S PROPER TO READ
THAT AT THIS TIME.
OBJECTION IS SUSTAINED.
Q BY MR. PATTON: MISS CADE, ARE YOU SAYING
THAT YOU MADE A MISTAKE AT THE PRELIMINARY HEARING
BY SAYING THAT YOU WERE ALWAYS THERE AT THE STEPS?
A YES.
Q AND ARE YOU SAYING THAT YOU MADE A MISTAKE
WHEN YOU SPOKE TO THE OFFICERS ON THE 20TH OF AUGUST
IN NOT MENTIONING A TREE?
MR. BROUGHAM: OBJECTION. ASSUMES FACTS
NOT IN EVIDENCE.
THE COURT: OBJECTION IS SUSTAINED.
Q BY MR. PATTON: ON THE 20TH OF AUGUST, THE
STATEMENT AS REFLECTED IN DEFENDANT'S -- THE
STATEMENT TO THE OFFICERS CONTAINED NOTHING ABOUT A
TREE; IS THAT CORRECT?
MR. BROUGHAM: OBJECTION. ASKED AND
ANSWERED.
THE COURT: OVERRULED.
YOU MAY ANSWER.
THE WITNESS: YEAH.

Q BY MR. PATTON: YES, I AM CORRECT; RIGHT?
A YES.
Q NOW, DO YOU RECALL AT THE PRELIMINARY
HEARING IN THIS MATTER THAT MISS HUNTER, THE

PROSECUTOR, ASKED YOU AT THE BEGINNING OF THE
PRELIMINARY HEARING, PAGE 6 LINE 3 THROUGH 14 --
DO YOU RECALL MISS HUNTER HAVING ASKED YOU
THE FOLLOWING QUESTIONS:
" QUESTION, NOW, DAPHNE I AM GOING TO
BRING YOU BACK TO AUGUST 18, 1992. DO YOU RECALL IN
THE LATER PART OF THE EVENING WHERE YOU WERE
LOCATED.
" ANSWER, YES.
" QUESTION, WHAT STREET WAS THAT ON'?
" 84TH PLACE AND KANSAS.
" QUESTION, WERE YOU ON THE CORNER OF 84TH
PLACE AND KANSAS?
"ANSWER, YES.
"QUESTION, AND WHO WERE YOU STANDING
WITH?
" ANSWER, "DEMPSEY AND MICHAEL GOOD."
DO YOU RECALL MISS HUNTER, THE PROSECUTOR,

ASKING YOU THOSE QUESTIONS?
A YES.
Q DO YOU RECALL THOSE ANSWERS HAVING BEEN GIVEN?
A YES.
Q AND AT THE TIME SHE ASKED YOU THOSE QUESTIONS, YOU HAD PARTICIPATED IN THE MAKING OF THIS DIAGRAM WHICH IS NOW DEFENDANT'S C; IS THAT RIGHT?
MR. BROUGHAM: OBJECTION. VAGUE AS TO

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"PARTICIPATED."
THE COURT: SUSTAINED. NO, NO OVERRULED.
SHE'S ALREADY ANSWERED QUESTIONS ABOUT THAT. SO GO
AHEAD AND ANSWER THE QUESTION. SHE DIDN'T ANSWER
THE QUESTION.
MR. PATTON: I AM SORRY. COULD ARLENE
READ THAT BACK?
(RECORD READ.)
THE WITNESS: YES.
Q BY MR. PATTON: AND YOU KNEW WHAT AREA SHE
WAS -- WHAT YOU WERE REFERRING TO WAS THE APARTMENT
THERE ON THE NORTHEAST CORNER; IS THAT RIGHT?
A YES.
Q NOW, YOU REMEMBER PAGE 17 LINE 28

TO 18
15 LINE 7.
16 QUESTION BY MISS HUNTER:
17 " QUESTION, NOW, WAS ANYBODY ELSE OUTSIDE
18 WHEN THE DEFENDANT POINTED AT ROBERTO'S HEAD.
19 " ANSWER, ME, DEMPSEY AND MICHAEL GOOD.
20 " QUESTION, OKAY, BUT WERE YOU ALL AT THE
21 APARTMENT.
22 " ANSWER YES.
23 " QUESTION, WHAT ABOUT AT THE LOCATION OF
24 THE DRIVEWAY, WAS ANYBODY ELSE AROUND.
25 " ANSWER NO."
26 DO YOU RECALL HAVING GIVEN THOSE -- BEING
27 ASKED THOSE QUESTIONS AND GIVING THOSE ANSWERS?
28 A YES.

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1 Q NOW, DO YOU RECALL MISS HUNTER ASKING YOU
2 ABOUT QUESTIONS ABOUT THIS DIAGRAM AT THE
3 Preliminary HEARING ABOUT WHERE YOU RAN TO?
4 A YES.
5 Q NOW, DO YOU RECALL THE FOLLOWING QUESTIONS
6 AND ANSWERS: PAGE 18 LINE 7 I AM SORRY. LINE 8 TO
7 24.
8 MR. BROUGHAM: SAME

OBJECTION, YOUR HONOR.
9 THE COURT: JUST HOLD ON.
10 (PAUSE IN PROCEEDINGS.)
11 MR. PATTON: 26, I AM SORRY, YOUR HONOR.
12 THE COURT: OBJECTION IS SUSTAINED.
13 Q BY MR. PATTON: LET ME ASK YOU THIS:
14 DID YOU INDICATE IN THE PRELIMINARY
15 HEARING THAT AFTER THE GUN WAS PULLED, THAT YOU RAN
16 FROM THIS LOCATION IN THIS DIRECTION? DID YOU
17 INDICATE THAT? 18 A YES.
19 Q AND DID THE MISS HUNTER PUT A D.C. AT THE
20 END THERE, RUNNING D.C.
21 A YES.
22 Q THAT WAS TO INDICATE YOUR DIRECTION OF
23 TRAVEL AFTER THE GUN WAS PULLED AND YOU HEARD A
24 SHOT; IS THAT RIGHT?
25 A RIGHT.
26 Q THAT WOULD BE AWAY FROM 1110, WOULD BE
27 WEST OF THERE; IS THAT RIGHT?
28 A UH-HUH.

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1 THE COURT: IS THAT YES?
2 THE WITNESS: YES.
3 Q BY MR. PATTON: WERE YOU ABLE TO
4 UNDERSTAND MISS HUNTER'S QUESTIONS AT THAT TIME?

A YES.
Q AND MISS HUNTER DREW THIS LINE FOR YOU; IS THAT RIGHT?
A YES.
Q THAT'S AFTER YOU HAD POINTED WITH YOUR FINGER IN YOUR DIRECTION OF TRAVEL; IS THAT RIGHT?
A YES.
Q YOU LIVED IN THE VICINITY OF 84TH PLACE FOR A LONG PERIOD OF TIME; IS THAT RIGHT?
A YES.
Q AND YOU WERE NOT AFRAID OF MISS HUNTER ON THE 8TH OF JANUARY, 'WERE YOU?
A NO.
Q NOW, MISS CADE, DID YOU MAKE A STATEMENT AT THE FIRST TRIAL SOME TIME IN JUNE SECOND, WEDNESDAY, TO MISS JOHNSON THAT I WAS MAKING YOU FEEL LIKE A LIAR?
A THAT YOU WERE WHAT?
Q MAKING YOU FEEL LIKE A LIAR? DID YOU MAKE THAT STATEMENT TO MISS JOHNSON?
A THAT YOU WAS MAKING ME FEEL LIKE A WHAT?
Q A LIAR?
A NO.
Q DID MISS JOHNSON TELL YOU -- YOU DIDN'T

MAKE THAT STATEMENT TO HER; IS THAT CORRECT?
A NO.
Q THAT IS CORRECT, YOU DIDN'T MAKE THAT, DID YOU?
THE COURT: SHE'S TESTIFIED ABOUT THAT ALLEGED STATEMENT.
MR. PATTON: I WILL MOVE ON.
Q DO YOU DESIRE THAT -- LET ME ASK YOU THIS:
IT IS YOUR DESIRE THAT THIS JURY BELIEVE YOU; IS THAT CORRECT?
A YES.
Q IN YOUR MIND AT THIS TIME YOU BELIEVE THAT -- DO YOU BELIEVE THAT IF YOU WERE AT THIS APARTMENT THROUGHOUT THIS PERIOD OF TIME YOU WOULD NOT HAVE BEEN IN THE POSITION TO SEE AND HEAR THE THINGS THAT YOU TESTIFIED TO?
MR. BROUGHAM: CALLS FOR SPECULATION.
THE COURT: OVERRULED.
YOU MAY ANSWER.
THE WITNESS: SAY THAT AGAIN.
(RECORD READ.)
THE WITNESS: NO.
Q BY MR. PATTON: DO YOU BELIEVE IF YOU WERE RUNNING IN THE DIRECTION AS INDICATED THERE IN THE

26 MAP THAT YOU WOULD NOT HAVE BEEN ABLE TO SEE AND
27 HEAR SOME OF THE THINGS THAT YOU TESTIFIED TO?
28 A NO.

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1 Q DO YOU BELIEVE THAT FOR THIS JURY TO
2 BELIEVE YOU, IT WOULD BE BETTER FOR YOU TO BE IN THE
3 POSITION THAT YOU HAVE INDICATED HERE BY THE TREE?
4 MR. BROUGHAM: THAT CALLS FOR SPECULATION
5 AS TO WHAT THE JURY BELIEVES. EXCUSE ME. CALLS FOR
6 A CONCLUSION.
7 THE COURT: YES, SUSTAINED.
8 Q BY MR. PATTON: NOW, YOU SAID THAT YOU
9 MADE A MISTAKE OR AN ERROR CONCERNING WHERE YOU
10 WERE; IS THAT RIGHT?
11 A YES.
12 Q DO YOU BELIEVE THAT IT WOULD BE BETTER TO
13 BE BY THE TREE THAN IT WOULD TO BE AT THE STEPS?
14 MR. BROUGHAM: OBJECTION. CALLS FOR
15 SPECULATION.
16 THE COURT: SUSTAINED.
17 Q BY MR. PATTON: NOW, DID YOU DISCUSS THE
18 SHOOTING INCIDENT WITH DEBRA JOHNSON?
19 A NO.

Q DID YOU RESIDE WITH DEBRA JOHNSON ON THE 18TH?
A YES.
Q AND WERE YOU BOTH LIVING AT 1110 WEST A -- WEST 84TH PLACE WHERE ROBERTO'S BODY WAS FOUND?
A YES.
Q ROBERTO'S BODY WAS FOUND AT A PLACE THAT YOU RESIDED AT ON 84TH PLACE AND A PLACE THAT DEBRA RESIDED AT ON 84TH PLACE; IS THAT CORRECT?

A YES.
RIGHT?
Q AND THE BODY WAS IN THE YARD; IS THAT
A YES.
Q NOW, AT THE PRELIMINARY HEARING, YOU TOLD US THAT YOU WERE PAYING DEBRA $50 EVERY 2 WEEKS FOR RENT; IS THAT CORRECT?
A YES.
Q HOWEVER, AT THE TRIAL IN THIS MATTER, YOU TOLD US THAT WAS UNTRUE; ISN'T THAT CORRECT?
A YES.
Q AND AT THE PRELIMINARY HEARING IN THIS MATTER, YOU TOLD US THAT YOU WERE THE SOURCE OF YOUR SUPPORT AT THAT PARTICULAR TIME; IS THAT CORRECT?
MR. BROUGHAM: OBJECTION AS TO RELEVANCE AS TO SOURCE OF FUNDS.
THE COURT: OVERRULED.
YOU MAY ANSWER. THE WITNESS: YES.
Q BY MR. PATTON: HOWEVER AT THE TRIAL

YOU TOLD US THAT YOU WERE NOT THE SOURCE OF YOUR SUPPORT BECAUSE YOU HAD NO INCOME; IS THAT CORRECT?
A YES.
Q NOW, IN FACT, AT THAT TIME, YOU WERE UNEMPLOYED; IS THAT RIGHT?
A YES.
AND YOU ARE UNEMPLOYED NOW; IS THAT

525
A YES.
Q AND WERE YOU -- WAS THAT A MISTAKE THAT YOU MADE AT THE PRELIMINARY HEARING SAYING THAT YOU PAID DEBRA $50 EVERY 2 WEEKS AND THAT YOU WERE THE SOURCE OF YOUR SUPPORT? WAS THAT A MISTAKE?
A YES, THAT WAS A MISTAKE.
Q AND I TAKE IT, IT WAS A MISTAKE THAT YOU MADE IN SHOWING HOW YOU TRAVEL, RUNNING; IS THAT CORRECT?
A YES.
Q AND I TAKE IT THERE WAS A MISTAKE THAT YOU MADE IN NOT TELLING THE OFFICERS THAT YOU WERE THERE BY THE TREE; IS THAT CORRECT?
A YES.
Q AND I TAKE IT IT WAS A MISTAKE WHEN YOU

16 SAID THAT YOU WERE ALWAYS THERE ON THE STEPS; IS'
17 THAT RIGHT?
18 A YES.
19 Q AND I TAKE IT IT WAS A MISTAKE WHEN YOU
20 SAID THAT AT THE TIME THE GUN WAS PULLED, THAT
21 NOBODY ELSE WAS THERE IN THE DRIVEWAY; IS THAT
22 RIGHT. THAT WAS A MISTAKE?
23 MR. BROUGHAM: OBJECTION. ASSUMES FACTS
24 NOT IN EVIDENCE.
25 THE COURT: SUSTAINED.
26 Q BY MR. PATTON: YOU DID TESTIFY AT THE
27 PRELIMINARY HEARING THAT AT THE TIME OF THE SHOOTING, THERE WAS NO ONE ELSE IN THE DRIVEWAY BUT

526
1 ROBERTO AND THE SHOOTER; IS THAT RIGHT?
2 A YES.
3 Q AND MY QUESTION TO YOU IS IS THAT A
4 MISTAKE?
5 A NO.
6 Q THAT'S TRUE?
7 A THAT'S TRUE.
8 Q NOW, DURING THIS INCIDENT WOULD IT BE TRUE
9 THAT-- STRIKE THAT.
10 NOW, YOU TOLD US YESTERDAY THAT IT
11 APPEARED TO YOU THAT ROBERTO WAS ARGUING -- STRIKE
12 THAT.
13 THAT THE SHOOTER WAS ARGUING WITH

ROBERTO;
IS THAT RIGHT?
A YES. '
Q AND 'YOU TOLD US YESTERDAY THAT THE SHOOTER
APPEARED TO BE ANGRY WITH ROBERTO; IS THAT CORRECT?
A YES.
Q HOWEVER AT THE PRELIMINARY HEARING, YOU
TOLD US THAT YOU COULD NOT HERE WHAT THE SHOOTER --
YOU DIDN'T KNOW WHETHER THE SHOOTER WAS ANGRY?
MR. BROUGHAM: OBJECTION. MISSTATES THE
TESTIMONY.
THE COURT: JUST REFER TO THE LINE AND
PAGE, IF IT DOES.
MR. PATTON: I WILL.
PAGE 12 LINE 28 TO 13 LINE 19.
THE COURT: 13 AND LINE 7 YOU CAN ANSWER

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THE QUESTION.
READ IT BACK, ARLENE.
(RECORD READ.)
THE WITNESS: YES.
Q BY MR. PATTON: THAT WAS A MISSTATEMENT;
IS THAT RIGHT?
A NO.
Q READING PAGE 12 LINE 28.

Q BY MISS HUNTER.
" DID YOU HEAR THAT THE

DEFENDANT WAS
SAYING ANYTHING.
" ANSWER, I COULDN'T UNDERSTAND WHAT THEY
WAS SAYING.
" QUESTION, BUT COULD YOU TELL THAT THEY
WERE SOMETIMES TALKING? '
ANSWER, YES. '
" QUESTION, COULD YOU TELL WHETHER OR NOT \
THE DEFENDANT, WAS ANGRY.
" ANSWER, NO.
" QUESTION, WHEN YOU SAY THAT THEY WERE
TALKING --
THE COURT: LET'S READ IT ACCURATELY.
MR. PATTON: I AM SORRY.
THE COURT: LINE 8, IT WAS "NO COMMA I
PAUSE -- IN ESSENCE, NO."
MR. PATTON: I AM SORRY. I WILL GO BACK
TO THE QUESTION.
THE COURT: READ THE WHOLE THING.

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MR. PATTON. " QUESTION, COULD YOU TELL
WHETHER OR NOT THE DEFENDANT WAS ANGRY.
" ANSWER, NO I -- PAUSE -- NO.
" QUESTION, WHEN YOU SAY THAT THEY WERE
TALKING, DID IT APPEAR THAT

THEY WERE ARGUING AT
ALL?
" THE WITNESS, ASK ME
AGAIN.
" QUESTION, SURE. WHEN YOU
SAY THAT YOU
SAW THEM TALKING, DID IT
APPEAR THAT THEY WERE
ARGUING AT ALL
" ANSWER, I REALLY DON'T
KNOW.
" QUESTION, DID YOU EVER
HEAR THE
DEFENDANT RAISE HIS VOICE?
" NO "
DO YOU RECALL THAT
TESTIMONY?
.A YES.
Q WAS THAT TRUE AT THE TIME?
A YES.
Q OR WAS THAT AN ERROR?
A NO.
Q NOW, I BELIEVE YOU TESTIFIED
YESTERDAY THAT YOU SAW MICHAEL
FERGUSON AND DEBRA JOHNSON OUTSIDE
WITH ROBERTO AND THE GUN. IS THAT RIGHT?
A NO, NO, I DID NOT.
Q WERE THEY EVER OUTSIDE IN
THE PRESENCE OF
THE GUNMAN AND ROBERTO?
A YES THEY WERE
Q NOW, DID THE GUNMAN PULL
OUT THE GUN
529
BEFORE THEY WENT INSIDE?
A NO.
Q DID YOU TESTIFY AT THE
PRELIMINARY HEARING

4 THAT BEFORE THEY WENT
INSIDE, THE GUNMAN HAD PULLED
5 OUT THE GUN?
6 A NO.
7 MR. PATTON: DIRECTING
COURT AND COUNSEL
8 TO PAGE 14 LINE 23 THROUGH
15, LINE 3; AND PAGE .27
9 LINE 18 TO 20. .
10 THE COURT: PAGE 27?
11 MR. PATTON: LINE 18 TO
20.
12 THE COURT: YOU CAN
READ BOTH. ,
13 MR. PATTON: THANK
YOU.
14 .." QUESTION, WHEN DID YOU
FIRST SEE THE
15 DEFENDANT WITH THIS GUN. : '
16 " ANSWER, I DON'T
REMEMBER
17 " QUESTION, DO YOU
REMEMBER IF IT WAS
18 BEFORE OR AFTER DEBRA AND
MICHAEL WENT IN THE
19 HOUSE
20 " ANSWER, BEFORE"
21 " QUESTION, NOW,
WHEN DEBRA AND MICHAEL
22 WENT IN THE HOUSE, DID' THE
DEFENDANT STILL HAVE THE.
23 GUN IN HIS HAND
24 ' " ANSWER, YES"
25 ' MR. BROUGHAN: WHAT
WAS THE SECOND PAGE?
26 •" MR.. PATTON:' PAGE 2,7
LINES 18,.TO 20. HAS
27 THE COURT HAD THE CHANCE - ' '

28 THE COURT: YEAH.

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MR. PATTON: " QUESTION, HE HAD A GUN IN HIS HAND WHEN MICHAEL AND DEBRA WERE OUTSIDE; IS THAT CORRECT?

" ANSWER, YES."

Q DO YOU RECALL HAVING GIVEN THAT TESTIMONY?

A I DON'T REMEMBER. REALLY TO TELL YOU THE TRUTH.

Q IF THE COURT REPORTER WROTE THAT DOWN

THEN IT'S THERE, YES.

Q WOULD THAT BE AN ERROR ON YOUR PART?

A YES.

Q THAT WAS A MISSTATEMENT; IS THAT RIGHT?

A , NO IT WASN'T A MISTAKE; IT WAS AN ERROR.

Q OKAY.

NOW, ~ ON THE 8TH OF JANUARY, 1993, WHEN YOU. TESTIFIED AT THE PRELIMINARY HEARING IN THIS MATTER, DID YOU KNOW IN YOUR MIND AT THAT TIME WHAT DAY OF THE WEEK THIS TOOK PLACE?

A YES.

Q DID YOU KNOW WHAT HOUR IT TOOK PLACE?

A NO.

Q WHAT DAY OF THE

WEEK DID IT TAKE PLACE?
A AT THIS POINT IN TIME I CANNOT REMEMBER.
Q DID You TESTIFY AT THE PRELIMINARY HEARING
YOU DIDN'T KNOW?
A I DON'T REMEMBER THAT, EITHER.
Q NOW, AT 3:00 A.M. ON THE 18TH, WHICH I

BELIEVE -- I WOULD ASK THE COURT TO TAKE JUDICIAL
NOTICE WOULD HAVE TO BE TUESDAY THE COURT TOOK
NOTICE THAT SUNDAY WAS THE 16TH.
THE COURT: ACTUALLY I THINK WE TOOK
NOTICE THAT THE 18TH WAS TUESDAY.
MR. PATTON: WE DID. OKAY.
THE COURT: IF WE DIDN'T, WE ARE NOW.
MR. PATTON: VERY WELL.
Q AT 3:00 A.M. ON TUESDAY THE 18TH OF
AUGUST, WERE YOU VISITING SOME FRIENDS AT THE
APARTMENT?
A NO.
Q AT -- THIS IS THE APARTMENT WE ARE TALKING

14 ABOUT, APARTMENT LOCATED HERE ON THE NORTHEAST
15 CORNER'
16 A I KNOW WHAT APARTMENT YOU ARE TALKING
17 ABOUT.
18 Q OKAY.
19 AND NOW, TAKING A LOOK AT PEOPLE'S 3, DOES
20 THAT SHOW THE APARTMENTS, OR THE APARTMENT WOULD BE
21 WHERE?
22 A RIGHT THERE. WANT ME TO STEP DOWN.
23 Q YES, MA'AM.
24 A RIGHT HERE.
25 Q YOU WANT TO WRITE IN THERE "APARTMENT. "
26 A (WITNESS COMPLIED.)
27 Q YOU CAN TAKE YOUR SEAT.
28 WAS SOME TYPE OF PARTYING GOING ON AT THAT

532
1 LOCATION?
2 A NO.
3 Q YOU WERE JUST VISITING?
4 A JUST A REGULAR HANG OUT.
5 Q IT WAS A HANG OUT?
6 A YES.
7 Q WHO WAS HANGING OUT THERE WITH YOU AT THAT
8 TIME?
9 MR. BROUGHAM: OBJECTION. ASSUMES FACTS
10 NOT IN EVIDENCE THAT SHE WAS HANGING OUT AT THAT
11 SPOT.

THE COURT: OVERRULED.
YOU MAY ANSWER.
THE WITNESS: WHO WAS HANGING OUT THERE.
Q YES
A QUITE A FEW PEOPLE'.
Q WAS MICHAEL GOOD THERE?
A YEAH.
Q WAS MR. DEMPSEY THERE?
A YEAH.
Q AND I TAKE IT EVERYBODY WAS THERE KIND OF
TALKING AND BEING SOCIABLE?
A IT'S A HANG OUT.
Q WHAT DO YOU MEAN IT'S A HANG OUT?
A EXCUSE ME.
Q WHAT DO YOU MEAN IT'S A HANG OUT?
A SOMEWHERE WHERE WE HANG OUT AT. HANG OUT,
TALK, DO WHATEVER IT IS WE ARE GOING TO DO AT THAT

POINT IN TIME.
Q ON THAT OCCASION, WERE YOU DRINKING ANY ALCOHOLIC
BEVERAGE?
A NO.
Q OR USING ANY TYPE OF STIMULANTS?
A NO.
Q JUST BEING SOCIABLE; IS THAT RIGHT?
A YEAH.
Q DO YOU KNOW IF ANY SPECIAL OCCASION WAS AT DEBRA JOHNSON'S HOUSE?
A EXCUSE ME.

Q DO YOU KNOW IF THERE WAS ANY TYPE OF OCCASION GOING ON AT DEBRA JOHNSON'S HOUSE?
A HER DAUGHTER'S BIRTHDAY.
Q AND AT THE TRIAL IN THIS MATTER, YOU YOU DIDN'T KNOW; ISN'T THAT CORRECT?
A I DON'T REMEMBER.
Q WHEN DID YOU FIND OUT IT WAS HER DAUGHTER'S BIRTHDAY?
A EXCUSE ME.
Q WHEN DID YOU FIND OUT THAT WAS HER DAUGHTER'S BIRTHDAY?
A WHEN DID I FIND OUT?
Birthday
I KNEW WHEN HER BIRTHDAY WAS.
Q. WERE THEY HAVING A PARTIES OVER THERE?
A NOT REALLY; I WON'T CALL IT A PARTY.
Q WHAT WOULD YOU CALL IT?
A A LITTLE GATHERING, I GUESS-

Q IT WAS A SOCIAL GATHERING; IS THAT RIGHT?
A YEAH.
Q AND IT WAS A GROUP OF PEOPLE THERE; IS THAT RIGHT?
A YEAH.
Q AND HER DAUGHTER WAS THERE?
A YES.
Q AND HER DAUGHTER WAS AWAKE?
A YES.
Q BUT I TAKE IT YOU WEREN'T INVITED TO THE PARTY; IS THAT RIGHT?
MR. BROUGHAM:

OBJECTION AS TO RELEVANCE.
MR. PATTON: WITHDRAW IT.
Q NOW, THESE MISTAKES THAT YOU MADE AT THE PRELIMINARY HEARING, WERE THEY MADE BECAUSE OF THE NEIGHBORHOOD YOU LIVE IN, AND OUT OF, FEAR OF BEING LABELED A SNITCH?,
A, NO.
Q JUST HUMAN MISTAKES AND ERRORS; IS THAT RIGHT?
A YES.
Q NOW, YOU SAID THAT YOU DIDN'T GO TO THE POLICE BECAUSE OF THE NEIGHBORHOOD YOU LIVE IN; IS THAT RIGHT? ONE OF THE REASONS.
A YES.
Q NOW, THE NEIGHBORHOOD THAT YOU LIVE IN IS IN A GENERAL SENSE BOUNDED ON THE SOUTH BY MANCHESTER, AND ON THE NORTH BY FLORENCE, MAJOR

STREETS; RIGHT?
A YES.
Q AND ON THE WEST BY VERMONT I AM SORRY ON THE EAST BY VERMONT AND ON THE WEST BY NORMANDIE; IS THAT CORRECT?
A YES.

Q IN THAT AREA IS AN AREA OF THE FAITH DOME
CHURCH; IS THAT RIGHT?
MR. BROUGHAM: OBJECTION AS TO RELEVANCE.
THE COURT: OVERRULED.
YOU MAY ANSWER.
THE WITNESS: YES.
Q BY MR. PATTON: THAT'S THE CHURCH PASTORED
BY REVEREND PRICE; IS THAT CORRECT?
MR. BROUGHAM: OBJECTION AS TO RELEVANCE.

THE COURT: OVERRULED.
THE WITNESS: YES.
Q BY MR. PATTON: AND YOU INDICATED SOME
FAMILIARITY WITH THE TERM SNITCH; RIGHT?
A YES.
Q NOW, SNITCHING CAN WORK FOR YOU AND
AGAINST YOU; ISN'T THAT CORRECT?
A I DON'T THINK SO.
Q WELL, LET ME ASK YOU THIS: SNITCHING.
SOMETIMES CAUSES YOU TO GET IN TROUBLE WITH SOMEONE
AND CAN SNITCHING SOMETIMES CAUSE YOU TO HELP
SOMEONE?
A NO.

Q FOR EXAMPLE, WOULD SNITCHING GET A FRIEND
OUT OF JAIL SOMETIMES?

MR. BROUGHAM: CALLS FOR SPECULATION, YOUR HONOR.

THE COURT: OVERRULED. GO AHEAD.

THE WITNESS: I DON'T KNOW.

Q BY MR. PATTON: IN OTHER WORDS, SNITCHING IS A TERM THAT'S USED AS YOU SAY IN YOUR COMMUNITY THAT RELATES TO A RELATIONSHIP BETWEEN A CITIZEN AND THE POLICE OR THE COPS; IS THAT RIGHT?

A RIGHT.

Q AND MEANS WHEN TURNING OVER INFORMATION TO -- WOULD YOU LIKE COPS OR OFFICERS? WHAT TERM YOU LIKE BETTER?

A IT DON'T MAKE ME NO DIFFERENCE.

Q MEANS TURNING OVER INFORMATION TO THE OFFICERS THAT THEY WOULDN'T OTHERWISE HAVE; IS THAT RIGHT? SNITCHING?

A YES.

Q YOU DIDN'T WANT TO PUT ANYBODY'S NAME IN IT BECAUSE YOU DIDN'T WANT TO SNITCH THEM OFF; RIGHT?

A RIGHT.

Q NOW, WHAT I AM SAYING SOMETIMES IF YOU TURN THE OFFICERS A DEAL AND,

SAY, IN SOLVING A
26 MURDER, THEY MAY CUT A FRIEND LOOSE WHO'S IN JAIL;
27 IS THAT RIGHT?
28 MR. BROUGHAM: C"LLS FOR SPECULATION AS TO

537
1 WHAT OFFICERS YOU ARE DEALING WITH.
2 THE COURT: OVERRULED.
3 IF YOU KNOW.

4 THE WITNESS: I DON'T KNOW.
5 Q BY MR. PATTON: DID YOU HAVE A FRIEND IN
6 JAIL AT THAT TIME?
7 A NO.
8 Q DID YOU TESTIFY AT THE TRIAL THAT THE,
9 REASONS WHY YOU WERE STAYING WITH DEBRA JOHNSON WAS
10 BECAUSE
11 A MY BOYFRIEND.
12 Q YOUR BOYFRIEND WAS IN JAIL AT THAT TIME?
13 A YEAH.
14 Q IN FACT, WERE YOU HOMELESS AT THAT TIME;
15 IS THAT RIGHT?
16 A NO.
17 Q WELL, DEBRA JOHNSON HAD TAKEN

YOU IN; 'IS

18 THAT RIGHT?
19 A SHE -- YEAH, OKAY.
20 Q NOW, I TAKE IT YOU ARE FOND OF DEBRA
21. JOHNSON; IS THAT RIGHT?
22 A YES.
23 Q AND I TAKE IT YOU KNEW THAT DEBRA JOHNSON
24 HAD SPOKEN TO THE OFFICERS ABOUT THE DEATH OF
25 ROBERTO; IS THAT RIGHT?
26 A YES.
27 Q AND YOU KNEW THAT DEBRA JOHNSON HAD TOLD

28 THE OFFICERS THAT SHE LAST SAW ROBERTO ON SUNDAY; IS

538

1 THAT RIGHT?
2 A NO.
3 Q DID YOU KNOW ANYTHING ABOUT WHAT DEBRA
4 JOHNSON HAD TOLD THE OFFICERS?
5 A NO.
6 Q NOW, YOU DID NOT COME BACK TO THE TRAILER
7 TO RESIDE UNTIL THE 19TH OF AUGUST; IS THAT CORRECT?
8 WOULD IT REFRESH YOUR RECOLLECTION IF I
9 TOLD YOU THAT YOU TESTIFIED AT THE TRIAL THAT YOU
10 CAME BACK TO THE TRAILER TO RESIDE ON THE 19TH OF
11 AUGUST. WOULD THAT REFRESH

YOUR RECOLLECTION?
A I DON'T REMEMBER.
Q LET ME ASK YOU THIS:
DO YOU HAVE AN INDEPENDENT RECOLLECTION
WHEN YOU CAME BACK TO LIVE IN THE TRAILER?
A DO I WHAT?
Q DO YOU REMEMBER WHEN YOU CAME BACK. IN
OTHER WORDS, AFTER THE 18TH, WHEN DID YOU COME BACK?
A , THE NEXT DAY; THE SAME DAY REALLY.
Q DID YOU TESTIFY AT THE TRIAL THAT YOU CAME
BACK ON THE 19TH?
A I DON'T REMEMBER.
Q IF I READ IT TO YOU, IF I TOLD YOU THAT'S
YOUR TESTIMONY AT THE TRIAL, WOULD YOU AGREE TO
THAT?
A IF IT SOUND LIKE SOMETHING I SAID, SURE.
Q YOU WANT ME TO READ IT TO YOU?
A NO.

539
SAID?
Q BUT DOES THAT SOUND LIKE SOMETHING YOU
A YEAH.
Q WHEN YOU CAME BACK ON THE 19TH TO RESIDE THERE IN THE TRAILER WITH DEBRA JOHNSON, DID THE TWO
OF YOU DISCUSS THIS HORRIBLE SHOOTING OF ROBERTO
THERE ON THE 18TH?

A NO.
Q AND YOU WERE STAYING IN THE SAME TRAILER? A YES.
Q HOW MANY BEDROOMS IN THAT TRAILER?
A NONE.
Q IT'S A VERY SMALL QUARTERS; IS THAT CORRECT?
A YES.
Q YOU HAVE TO BUNK -- WELL, STRIKE THAT. IN OTHER WORDS, THE TRAILER IS VERY SMALL
AND YOU DON'T HAVE -- IT'S VERY LITTLE PRIVATE
SPACE; IS THAT RIGHT?
A YES.
Q AND DURING THE -- BETWEEN THE TIME YOU GOT
BACK ON THE 19TH TO THE TIME YOU SAW THE OFFICERS,
YOU AND MISS JOHNSON DIDN'T UTTER A WORD ABOUT WHAT
A TRAGEDY THAT OCCURRED THERE ON HER FRONT LAWN ON
TUESDAY AT 3:00 A.M. THE 18TH OF AUGUST; IS THAT
WHAT YOU ARE SAYING?
A YES.
Q AND DID MISS JOHNSON EVER TELL YOU THAT ON

1 THE 20TH, YOU TALKED TO THE OFFICERS ON THE 20TH AS
2 WELL; RIGHT? IN THE EVENING YOU WENT TO SPEAK TO
3 THE OFFICER?
4 A YES.
5 Q DID MISS JOHNSON TELL YOU BEFORE

YOU WENT
6 TO SPEAK TO THE OFFICERS ON THE 20TH
THAT SHE HAD
7 SPOKEN TO THE OFFICERS?
8 A NO.
9 Q AND YOU SPOKE TO THE OFFICERS ON
THE 20TH
10 AT ABOUT 4:30, 5:00 P.M.; IS THAT
CORRECT?
11 A YES.
12 Q NOW, THE OFFICERS CAME OUT TO PICK
YOU UP;
13 IS THAT RIGHT?
14 A YES.
15 Q AND YOU NEVER WENT TO THE
OFFICERS TO
16 OFFER THEM INFORMATION CONCERNING
THE DEATH OF
17 ROBERTO WHO IS A FRIEND OF YOURS;
RIGHT?
18 A NO. I NEVER WENT.
19 Q IN FACT, AFTER THE EVENT THE
MORNING AT
20 3:00 A.M. YOU FLED; IS THAT RIGHT?
21 A I WHAT?
22 Q AFTER THE EVENT AROUND 3:00 A.M.~,
YOU
23 FLED? You LEFT THE SCENE; IS THAT
RIGHT?
24 A YES.
25 , Q you HAVE KNOWN MR. BROADNEX HERE,
THE
26 DEFENDANT, FOR SOME YEARS; IS THAT
RIGHT?
27 A YES.
28 Q AND HE'S FAMILIAR TO YOU; IS
THAT RIGHT?

A SHOULD BE.
Q AND WHEN YOU WERE THERE AT THE STATION HOUSE ON THE 20TH, YOU DIDN'T NEED TO SEE A PHOTOGRAPH OF HIM TO BE ABLE TO IDENTIFY HIM, DID YOU?
A NO.
Q AND LET ME ASK YOU THIS: HAD YOU SEEN MR. BROADNEX IN THE NEIGHBORHOOD SAY, BETWEEN JULY 20TH AND AUGUST SECOND OF 1992?
A I DON'T REMEMBER.
Q LET ME ASK YOU THIS: HOW LONG HAD YOU BEEN SEEING HIM REGULARLY AROUND THE NEIGHBORHOOD BEFORE THE MORNING OF AUGUST 18TH? HOW LONG HAD YOU BEEN SEEING HIM AROUND?
A NOT TOO MANY TIMES, BUT ENOUGH.
Q OKAY. AND YOU HAD BEEN SEEING HIM, SAY, A MONTH?
A I DON'T REMEMBER. OKAY?
Q NOW, WHEN YOU SAW MR. BROADNEX AROUND THE NEIGHBORHOOD, DID YOU SEE HIM SOCIALIZING WITH ROBERTO, THE DECEASED, IN THIS CASE?
A EXCUSE ME.
Q DID YOU SEE HIM SOCIALIZING WITH ROBERTO, THE DECEASED, IN THIS CASE, THE PERSON

WHO'S DEAD?
25 A YES.
26 Q HE AND ROBERTO WOULD BE IN THE SAME -- IN
27 ROBERTO'S TRUCK; IS THAT RIGHT?
28 A YES.

542
1 Q AND YOU SAW THAT ON MANY OCCASIONS; IS
2 THAT RIGHT?
3 A YES.
4 Q AND YOU SAW THEM WALKING TOGETHER ON MANY
5 OCCASIONS; IS THAT RIGHT?
6 A YES.
7 Q YOU TOLD US THAT -- LET ME ASK YOU THIS:
8 WHEN YOU WERE SEEING -- I AM SORRY.
9 WHEN YOU WERE SEEING MR. BROADNEX BEFORE
10 THE 18TH, OF AUGUST -- LET'S MAKE IT MONDAY THE 17TH
11. -- DID YOU BECOME AWARE THAT HE HAD SOME TYPE OF
12 BANDAGES OR CAST ON HIS HANDS?
13 A YES.
14 Q AND WHEN WAS IT THAT YOU FIRST BECAME
15 AWARE -- THAT IS, GOING BACK BEFORE THE 17TH, WHEN
16 WAS IT THAT YOU FIRST BECAME AWARE

THAT HE HAD SOME
17 TYPE OF BANDAGES OR CAST ON HIS HAND?
18 A -, BEFORE THE 17TH?
19 Q YES, MA'AM.
20 A I CAN'T RECALL.
21 Q CAN YOU GIVE US YOUR BEST ESTIMATE IN
22 TERMS OF WEEKS OR DAYS?
23 A NO.
24 Q DID YOU EVER GET CLOSE ENOUGH TO HIM TO
25 INSPECT THE BANDAGES ON HIS HANDS AND ARMS TO SEE
26 WHETHER OR NOT THEY WERE HARD OR SOFT?
27 A YES. -
28 Q DO YOU REMEMBER HOW MANY DAYS OR WEEKS

543
1 THAT WAS BEFORE THIS INCIDENT?
2 A NO.
3 Q CAN YOU GIVE US YOUR BEST ESTIMATE IN
4 TERMS OF DAYS OR WEEKS IT WAS THAT YOU HAD
5 TOUCHED --
6 A NO.
7 Q DID YOU EVER HAVE A DISCUSSION WITH MISS
8 JOHNSON CONCERNING MR. BROADNEX BANDAGES OR CAST ON
9 HIS HAND?
10 A NO. *
11 Q DO YOU REMEMBER THE CIRCUMSTANCES UNDER
12 WHICH YOU CAME CLOSE ENOUGH TO HIM TO TOUCH HIS ARM

AND HANDS?
A NO.
Q NOW, YOU INDICATED YESTERDAY THAT HE COULD
USE HIS FINGERS.
DO 'YOU REMEMBER TESTIFYING TO THAT?
A NO.
Q PARDON? YOU DON'T REMEMBER TESTIFYING TO
THAT?
A NO; DID I SAY THAT?
Q YES, MA'AM.

A OKAY. ANYWAY.
Q WELL, YOU DON'T KNOW IF HE COULD USE HIS
HANDS AND FINGERS?
A HE COULD USE HIS HANDS.
Q WHEN WAS IT THAT YOU GOT CLOSE ENOUGH TO
HIM BEFORE THE 17TH THAT YOU WERE ABLE TO DETERMINE

THAT HE COULD USE HIS HANDS AND FINGERS?
A I DON'T RECALL.
Q DO YOU KNOW WHO WAS PRESENT AT THE TIME
YOU MADE THIS DETERMINATION THAT HE COULD USE HIS
HANDS OR FINGERS?
A NO.
Q AS YOU SIT. THERE NOW, MISS CADE, DO YOU
WANT THIS JURY -- AS YOU SIT THERE NOW, DO YOU
WANT THE JURY TO BELIEVE THAT HE

USED HIS HANDS?
MR. BROUGHAN: OBJECTION, YOUR HONOR.
IRRELEVANT AS TO WHAT SHE WANTS.
. THE COURT: OBJECTION IS SUSTAINED.'
LET'S TAKE A BREAK; IT'S NOON. WE WILL
SEE YOU BACK AT 1:30'. '
DON'T TALK ABOUT THE CASE, EXPRESS AN
OPINION ON IT
HAVE A GOOD MEAL WE WILL SEE YOU AT
1 30
(WHEREUPON AN ADJOURNMENT WAS TAKEN
UNTIL 1 30 P M OF THE SAME DAY)

545
COMPTON, CALIFORNIA; WEDNESDAY, AUGUST 4, 1993
1:46 P.M.
DEPARTMENT NO. SC"O" HON. GARY E. DAIGH, JUDGE
(APPEARANCES AS HERETOFORE NOTED.)

(THE FOLLOWING PROCEEDINGS WERE HELD IN
OPEN COURT IN THE PRESENCE OF THE JURY:)

THE COURT: BACK WITH ALL THE JURORS AND
COUNSEL, PARTIES.
MISS CADE IS ON THE

STAND AGAIN.

DAPHNE CADE,

CALLED AS A WITNESS ON BEHALF OF THE PEOPLE, HAVING BEEN PREVIOUSLY DULY SWORN, RESUMED THE STAND AND TESTIFIED AS FOLLOWS:

THE COURT: SHE'S STILL UNDER OATH.

GO AHEAD WITH YOUR CROSS-EXAMINATION.

CROSS-EXAMINATION

BY MR. PATTON:

Q LET ME GO OVER THE EXHIBITS A LITTLE BIT WITH YOU FIRST.

DEFENDANT'S EXHIBIT C, THE DIAGRAM; THIS WAS MADE ON JANUARY 8TH; RIGHT?

A YES.

Q AND PEOPLE'S EXHIBIT I AND 3 THE DIAGRAM AND THE PHOTOGRAPHIC LAYOUT, THAT WAS MADE AND

PRESENTED DURING THE COURSE OF THE JURY TRIAL IN JUNE OF THIS YEAR; IS THAT RIGHT?

A YES.

Q NOW, WHEN DEFENDANT'S EXHIBIT C WAS MADE IN JANUARY OF THIS YEAR, JANUARY 8TH OF THIS YEAR,

THE EVENTS OF AUGUST 18TH WERE FRESH IN YOUR MIND;
IS THAT RIGHT?
A YES.
Q AND THEY WERE FRESH IN YOUR MIND THAN THEY
WERE IN JUNE; IS THAT RIGHT?
A YES.
Q NOW, I SEE IN PEOPLE'S EXHIBIT 1, THIS IS
THE -- APPEARS TO BE AN APARTMENT HOUSE. THIS IS
THE APARTMENT HOUSE THAT YOU SAY YOU WERE LOCATED AT
AT ONE POINT IN TIME; IS THAT RIGHT?
A YES. ,
Q AND THE L.R. WOULD BE THE DRIVEWAY WHERE
YOU WERE -- LET ME -- STRIKE THAT.
WOULD BE RIGHT IN HERE WOULD BE THE
DRIVEWAY TO YOUR HOME AND TO DEBRA JOHNSON'S HOME?
A YES.
Q MISS JOHNSON, CAN YOU REMEMBER AT THIS
TIME THE CIRCUMSTANCES OR DATE AND POINT OF TIME
THAT YOU SAW MR. BROADNEX AND YOU WERE ABLE TO
DETERMINE THAT HE COULD USE HIS FINGERS.
A MY NAME IS NOT MISS JOHNSON.
Q MISS CADE; I AM SORRY. I MISSPOKE

28 MYSELF.

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1 MISS CADE I WILL ASK THE QUESTION AGAIN.

2 I APOLOGIZE.

3 MISS CADE, CAN YOU RECALL SOME POINT IN

4 TIME THAT YOU SAW MR. BROADNEX AND YOU WERE ABLE TO

5 MAKE A DETERMINATION THAT HE COULD USE HIS FINGERS?

6 HE COULD USE HIS FINGERS?

7A YES.

8Q WHEN WAS THAT?

9A I MEAN NO. NO.

10Q NOW, DO YOU KNOW WHETHER OR NOT HE HAD

11FULL USE OF ALL TEN FINGERS ON BOTH HANDS OR ONLY

12 PARTIAL USE OF HIS FINGERS ON BOTH HANDS? DO YOU

13 KNOW THAT?

14 A NO. (Q)WOULD IT BE FAIR TO SAY THAT YOU ARE

15 GUESSING ABOUT WHETHER OR NOT HE COULD USE HIS

16 FINGERS ON HIS RIGHT HAND?

17 A NO.

18 Q IS THERE ANYTHING THAT, YOU COULD -- IS

19 THERE ANYTHING THAT YOU CAN TELL US AT THIS TIME, SO

20 THAT WE CAN DETERMINE WHAT THE CIRCUMSTANCES WERE

21 THAT YOU SAW HIM USING HIS FINGERS?

22 A YES.

23 MR. BROUGHAM: OBJECT TO THAT, YOUR HONOR,
24 AS PHRASED AS BEING ARGUMENTATIVE.
2 THE COURT: OVERRULED.
26 Q BY MR. PATTON: THIS IS BEFORE THE 18TH.
27 A I DON'T KNOW.
28 Q DO YOU BELIEVE AT THIS POINT THAT-

548
1 STRIKE THAT.
2 DO YOU REMEMBER HOW THE SHOOTER WAS
3 DRESSED. SHOOTER OF ROBERTO, HOW WAS HE DRESSED?
4 A NO, I DON'T.
5 Q DID YOU EVER HEAR DEBRA JOHNSON SAY THAT
6 SHE LAST SAW ARE ROBERTO ON SUNDAY?
7 MR. BROUGHAM: OBJECTION. CALLS FOR
8 HEARSAY.
9 THE COURT: SUSTAINED.
10 Q BY MR. PATTON: DID MISS JOHNSON EVER SAY
11 TO YOU AFTER THE DATE OF THE 18TH, THAT SHE LAST SAW
12 ROBERTO ON SUNDAY THE 16TH?
13 MR. BROUGHAM: SAME OBJECTION. SAME
14 QUESTION.
15 THE COURT: SUSTAINED.
16 MR. PATTON: I AM NOT

OFFERING IT FOR THE
TRUTH.
THE COURT: I UNDERSTAND. WHY DON'T YOU
GO ON TO SOMETHING ELSE.
MR. PATTON: VERY WELL.
Q NOW, MISS CADE YESTERDAY, YOU INDICATED
SOME FAMILIARITY WITH THE CONCEPT OF SNITCH IN YOUR
COMMUNITY; IS THAT CORRECT?
A YES.
Q NOW, THE IDEA OF A SNITCH IS SOMEONE --
IS A PERSON TO BE A TRUTH TELLER OR A LIAR; IS THAT
CORRECT?
A A SNITCH IS A PERSON THAT INFORMS THE

549

POLICE.
Q AND IS A SNITCH SOMEONE THAT INFORMS THE
POLICE ALWAYS TRUTHFUL OR SOMETIMES UNTRUTHFUL?
A I HAVE NO IDEA.
Q IS A SNITCH SOMEONE THAT INFORMS THE
POLICE FOR SOME TYPE OF GANG? (Gain?)
A I HAVE NO IDEA.
Q MISS CADE, IS IT TRUE THAT YOUR FEARS IN
THIS CASE RELATED TO THE FACT THAT ROBERTO WAS FOUND
ON THE FRONT LAWN OF THE LOCATION THAT YOU RESIDE
AT?

A NO.
Q WAS IT OF ANY CONCERN TO YOU THAT HIS BODY
WAS AT 1110 WEST 84TH PLACE? WHERE YOU LIVE AND
WHERE DEBRA JOHNSON LIVES?
A NO.
Q DID YOU FEEL THAT YOU HAD TO GIVE SOME
TYPE OF EXPLANATION FOR HIS BODY BEING ON YOUR FRONT
LAWN?
A NO.
Q IS THAT THE REASON WHY YOU DIDN'T GO TO
THE POLICE AND TELL THEM WHAT YOU SAY YOU KNEW?
A NO.
Q IS THERE ANY REASON WHY YOU DIDN'T TALK TO
MISS JOHNSON ABOUT THE THIS TRAGIC EVENT?
A NO.
Q WERE YOU AFRAID TO TALK TO MISS JOHNSON
ABOUT THIS TRAGIC EVENT?

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A NO.
Q DURING THAT PERIOD OF TIME, DID YOU AND
MISS JOHNSON NORMALLY COMMUNICATE ABOUT THINGS IN
AND ABOUT THE RESIDENCE?
A NO.
Q DID MISS JOHNSON TELL YOU WHATEVER YOU DO
STICK BY YOUR STORY?

MR. BROUGHAM: VAGUE AS TO TIME, YOUR HONOR.

THE COURT: SUSTAINED.

Q BY MR. PATTON: DURING THE COURSE OF THE FIRST JURY TRIAL IN THIS MATTER, SAY AROUND WEDNESDAY JUNE SECOND, WHEN YOU WERE TESTIFYING DID MISS. JOHNSON SAY TO YOU WHATEVER YOU DO, STICK BY YOUR STORY?

A. YES

Q AND DO YOU RECALL HER HAVING SAID-THAT IN THE PRESENCE OF ANYONE OTHER THAN YOURSELF?

A I DON'T REMEMBER SEEING ANYBODY THEN. BUT IT WASN'T REALLY TRYING TO HIDE ANYTHING.

Q WHERE DID THIS TAKE PLACE?

A THE BACK -- THE -- IN THE RESTROOM DOWN THE HALLWAY.

Q IN THE RESTROOM? WOULD THAT BE IN THE LADIES RESTROOM?

A YEAH.

Q TAKE PLACE ANY PLACE ELSE?

A NOT THAT I RECALL.

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MR. PATTON: NO FURTHER QUESTIONS.

THE COURT: MR. BROUGHAM RE-DIRECT.

RE-DIRECT EXAMINATION

BY MR. BROUGHAM:

Q DO YOU KNOW WHAT I AM HOLDING IN MY HANDS IN FRONT OF YOU?

A YES.

Q WHAT IS THIS?

A TRANSCRIPT.

Q OF PREVIOUS COURT HEARINGS?

A YES.

Q AND YOU TESTIFIED THIS WOULD BE YOUR THIRD COURT HEARING THAT YOU TESTIFIED IN; IS THAT CORRECT?

A YES.

Q WOULD IT BE FAIR TO ESTIMATE THAT YOU HAVE ANSWERED PERHAPS HUNDREDS AND HUNDREDS OF QUESTIONS IN THIS CASE?

A YES.

Q AND WOULD IT BE FAIR TO SAY THAT SOME OF THOSE QUESTIONS YOU ANSWERED WITH A YES OR NO ANSWER; OTHERS WERE YOUR OWN WORDS?

A YES.

MR. PATTON: OBJECTION. THIS IS IRRELEVANT.

THE COURT: OBJECTION

IS OVERRULED.
28 Q BY MR. BROUGHAM: NOW, COUNSEL ASKED YOU A

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1 SERIES OF QUESTIONS ABOUT WHERE YOU WERE AT THE TIME
2 OF THE SHOOTING AS SHOWN IN THOSE 2 DIAGRAMS IN
3 FRONT OF YOU; IS THAT CORRECT? DO YOU REMEMBER
4 THOSE QUESTIONS?
5 A YES.
6 Q AND AS YOU SIT HERE IN COURT TODAY, DO YOU
7 HAVE A PRETTY GOOD LOOX AT THE DIAGRAMS IN FRONT OF
8 YOU?
9 A YES.
10 Q AND WOULD IT BE FAIR TO SAY THAT YOU
11 UNDERSTAND THAT ONE IS A DIAGRAM WE USED IN THE
12 TRIAL AND THE SMALLER ONE IS THE ONE THAT COUNSEL
13 ASKED YOU ABOUT AT THE PRELIMINARY HEARING?
14 A YES.
15 Q NOW, WOULD IT BE FAIR TO SAY THAT ONE
16 DIAGRAM SHOWS YOU RUNNING TOWARDS KANSAS AND THE
17 OTHER DIAGRAM SHOWS YOU ,.RUNNING AWAY FROM KANSAS?
18 A YES.
19 , Q OKAY
20 ' NOW, THAT'S A PRETTY DRASTIC

DIFFERENCE;
21 ISN'T IT?
22 A YES.
23 Q AND LET'S GO BACK TO YOUR FIRST STATEMENT
24 TO THE POLICE OFFICER ON THE 20TH. DO YOU REMEMBER
25 COUNSEL APPROACHING YOU AND SHOWING YOU YOUR
26 STATEMENT TO THE POLICE OFFICER?
27 A YES.
28 Q DO YOU REMEMBER LOOKING AT THAT IN COURT

553
1 THIS MORNING?
2 A YES.
3 Q MAY I APPROACH THE WITNESS?
4 THE COURT: YOU MAY.
5 MR. BROUGHAM: I BELIEVE THIS HAS
6 PREVIOUSLY BEEN MARKED AS DEFENSE D.
7 THE COURT: .1 THINK IT'S D.
8 MR. BROUGHAM: I WILL USE THAT IF I MAY.
9 THE COURT.: IT IS D.
10 Q BY MR. BROUGHAM: I WANT YOU TO TAKE A
11 LOOK AT THIS STATEMENT, MISS CADE. DO YOU REMEMBER
12 COUNSEL ASKING YOU THIS MORNING TO LOOK AND SEE IF
13 THE WORD TREE IS IN THERE?
14 A YES.
15 Q AND, IN FACT, THE WORD TREE WAS NOT IN
16 THERE WAS IT? ..'
17 A NO.

18 Q IS THERE ANY WORDS AS YOU STAND, AS YOU
19 SIT HERE AND LOOK AT THE STATEMENT TODAY, DO YOU SEE
20 WORDS IN THIS STATEMENT RELATING TO WHAT YOU SAID TO
21 THE DETECTIVE ABOUT WHETHER YOU RAN TOWARDS KANSAS
22 OR AWAY FROM KANSAS AFTER THE SHOOTING? IS THERE A
23 STATEMENT IN HERE? ,
24 A NO.
25 Q DIRECTING COURT AND COUNSEL'S ATTENTION TO
26 8 LINES FROM THE BOTTOM, DO YOU SEE THE WORDS?
27 THE COURT: DO YOU HAVE AN OBJECTION.
28 MR. PATTON: YES, I OBJECT TO THAT.

554

1 THE COURT: THE OBJECTION IS OVERRULED. I
2 DON'T HAVE A COPY OF IT, WHICH IS FINE. WHAT'S THE
3 GROUNDS OF THE OBJECTION?
4 MR. PATTON: IT CALLS FOR AN OPINION AND
5 -- CALLS FOR AN OPINION.
6 THE COURT: THAT OBJECTION IS OVERRULED.
7 YOU MAY PROCEED.
8 Q BY MR. BROUGHAM: DO YOU SEE THE WORDS 8
9 LINES FROM THE BOTTOM, AND I QUOTE, I RAN TOWARD
10 KANSAS.
11 DO YOU SEE THOSE WORDS?
12 A YES.

Q IN FACT, THOSE WERE THE WORDS THAT YOU
USED WHEN YOU SPOKE TO DETECTIVE ALFORD WEREN'T THEY?
A YES.
Q AND THAT'S CONTAINED HERE IN BLACK AND WHITE IN THIS STATEMENT THAT YOU GAVE TO HIM ON AUGUST 20TH?
A YES.
Q AND IT'S YOUR TESTIMONY IN COURT TODAY THAT, IN FACT, AS SHOWN IN PEOPLE'S 3, YOU DID RUN TOWARDS KANSASAND NOT AWAY FROM KANSAS?
A YES.
Q DO YOU REMEMBER AGAIN TESTIFYING OR BEING ASKED IN THE FIRST TRIAL ON THIS MATTER ABOUT THE WHOLE SUBJECT OF WHETHER YOU ARE RUNNING TOWARDS KANSAS OR AWAY FROM KANSAS? DO YOU REMEMBER

DISCUSSING WHERE YOU WERE?
A YES.
Q AND DO YOU REMEMBER BEING ASKED IN THAT TRIAL ABOUT THE LITTLE DIAGRAM, SHOWING YOU RUNNING AWAY FROM KANSAS?

A YES.
Q DID YOU CLARIFY AT THAT TIME AS YOU SAT IN
COURT TODAY THAT YOU WERE, IN FACT, RUNNING TOWARDS
KANSAS?
MR. PATTON: OBJECTION. CALLS FOR AN
OPINION.
CLARIFY.
THE COURT: OVERRULED.
YOU MAY ANSWER.
THE WITNESS: YES..
'Q BY MR. BROUGHAN: WHEN YOU TESTIFIED IN
THE PREVIOUS TRIAL, DID .NOU HAVE AN OPPORTUNITY NOT
IN THE PRELIMINARY HEARING, BUT IN THE PREVIOUS
TRIAL, DID YOU HAVE THE OPPORTUNITY TO SAY IN YOUR
OWN WORDS THAT YOU WERE RUNNING TOWARDS KANSAS?
A NO.
. Q I AM NOT TALKING ABOUT THE PRELIMINARY
HEARING. I AM TALKING ABOUT THE LAST TRIAL WHEN YOU
HAD THE DISCUSSION OF THE YELLOW SHEET OF PAPER?
A NO. .
Q LET'S GO BACK TO THE PRELIMINARY HEARING.
THE PRELIMINARY HEARIN-G IS THE FIRST COURT HEARING
YOU HAD; IS THAT RIGHT?

A YES.

Q AND COUNSEL DO YOU REMEMBER HIM ASKING YOU
SEVERAL QUESTIONS ABOUT YOUR TESTIMONY?
A YES.
Q NOW, ISN'T IT TRUE THAT YOU NEVER ONCE AT
ANY TIME IN THIS PRELIMINARY HEARING IN YOUR OWN
WORDS SAID THAT YOU WERE RUNNING AWAY FROM KANSAS?

MR. PATTON: OBJECT. THIS IS LEADING.
THE COURT: OBJECTION IS SUSTAINED.
WE HAVE' GONE OVER IT AGAIN, SO YOU KNOW
HOW TO ASK A QUESTION. DON'T ASK LEADING QUESTIONS.
Q DID YOU AT ANY POINT IN THE PRELIMINARY
HEARING TRANSCRIPT TESTIFY IN YOUR OWN WORDS THAT
YOU WERE RUNNING AWAY FROM KANSAS?
MR. PATTON: OBJECT. THIS IS CALLING FOR
A CONCLUSION.
THE WITNESS: NO.
THE COURT: OVERRULED.
WAIT FOR MY RULING.
THE WITNESS: OKAY.
Q WHEN YOU WERE BEING ASKED QUESTIONS AT THE
PRELIMINARY HEARING ABOUT THE DIRECTION YOU WERE

RUNNING IN, DID YOU EVER TALK ABOUT THE DIRECTION
YOU WERE RUNNING IN ANYTHING OTHER THAN A YES
ANSWER OR A NO ANSWER?
A NO.
Q YOU UNDERSTAND IF I ASK YOU CONFUSING
Questions, YOU WILL LET ME KNOW, WON'T YOU?

A YES.
Q WOULD IT BE FAIR, THEN, TO SAY THAT EVERY
ANSWER YOU GAVE AT THE PRELIMINARY HEARING ABOUT
DIRECTIONS WAS EITHER YES ANSWER OR A NO ANSWER?
A YES.
Q BUT WHEN YOU SPOKE TO THE DETECTIVE AND
DISCUSSED DIRECTIONS, THIS WAS IN YOUR OWN WORDS,
WAS IT NOT?
A YES.
Q AND THEN WHEN YOU CAME TO THE TRIAL LATER
AND DISCUSSED DIRECTIONS, AT THAT POINT YOU USED
YOUR OWN WORDS, DIDN'T YOU?
A YES.
Q AT THAT POINT, DID YOU TELL -- DESCRIBE IN

COURT THAT YOU WERE RUNNING TOWARDS KANSAS?
A YES.
Q SO HAVE YOU EVER -- WHEN YOU SPOKE TO
ANYONE AND USED YOUR OWN WORDS, HAVE YOU EVER SAID
YOU WERE RUNNING AWAY FROM KANSAS?
A NO.
Q NOW, WHEN THIS DIAGRAM WAS WRITTEN OR
DRAWN UP, THAT WAS AT THE PRELIMINARY HEARING, THE
ONE ON THE LEFT; IS THAT RIGHT?
A YES.
Q AND THAT'S THE HEARING AT WHICH YOU NEVER
ONCE TALKED ABOUT THE DIRECTION YOU WERE RUNNING IN
YOUR OWN WORDS; IS THAT CORRECT?
A YES.

Q AND THAT'S THE HEARING THAT YOU TESTIFIED
EARLIER THAT YOU WERE CRYING ABOUT THE HEARING?
A YES.
Q WERE YOU ALSO PREGNANT AT THE TIME OF THE
PRELIMINARY HEARING?
A YES.
Q ABOUT HOW MANY MONTHS?
A 5.
MR. PATTON: OBJECTION. ,IRRELEVANT.
THE COURT: OVERRULED YOU MAY ANSWER.
THE WITNESS: 5.

Q BY MR. BROUGHAM: ONE BABY OR 2 BABIES?
A 2.
Q NOW, I ASKED YOU EARLIER ABOUT THE HUNDREDS OF QUESTIONS AND ANSWERS THAT YOU HAVE GIVEN IN YOUR TESTIMONIAL PROCEEDINGS.
HAVE YOU ABSOLUTELY UNDERSTOOD EVERY QUESTION THAT'S BEEN ASKED OF YOU.
MR. PATTON: OBJECTION. THIS IS COMPOUND AND COMPLEX.

THE COURT: OVERRULED.
THE WITNESS: REPEAT THE QUESTION.
Q BY MR. BROUGHAM: HAVE YOU UNDERSTOOD EVERY SINGLE QUESTION OF THOSE HUNDREDS OF QUESTIONS THAT HAVE BEEN ASKED OF YOU OR HAVE YOU AT TIMES BEEN CONFUSED?
A AT TIMES CONFUSED.
Q AND WITHOUT LOOKING AT THE PRELIMINARY

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HEARING TRANSCRIPT, WOULD YOU BE ABLE TO TELL US OFFHAND HOW MANY QUESTIONS AND ANSWERS YOU GAVE AT PRELIMINARY HEARING THAT WERE REFLECTED ON PAGE 12 ALONE?

A NO.
Q IS THAT NO?
A NO.

Q WOULD LOOKING AT THE TRANSCRIPT HELP YOU FIGURE OUT HOW MANY QUESTIONS AND ANSWERS YOU HAVE GIVEN ON THAT PAGE?

THE COURT: WHAT'S THE RELEVANCY OF THAT.

MR. BROUGHAM: WITHDRAW THE QUESTION.

Q IT IS YOUR TESTIMONY TODAY THAT, IN FACT, AS YOU TOLD THE POLICE DETECTIVE DURING YOUR FIRST INTERVIEW AND AS YOU CLARIFIED DURING THE FIRST TRIAL YOU WERE RUNNING TOWARDS KANSAS AT 'THE TIME; IS THAT CORRECT?

A YES.

Q NOW, COUNSEL ASKED YOU ABOUT YOUR RENTAL ARRANGEMENTS WITH MISS JOHNSON AND I BELIEVE YOU INDICATED THAT, IN FACT, YOU WERE NOT PAYING MONEY AT THE TIME; IS THAT CORRECT?

A YES.

Q DID YOU HAVE AN UNDERSTANDING WITH HER AT THE TIME AS TO A YOUR ARRANGEMENT TO PAY MONEY?

A YES.

Q WHY DON'T YOU DESCRIBE THAT FOR US?

A IT'S GOING TO BE WHEN MY BOYFRIEND GOT OUT

1 OF JAIL.

2 Q DID YOU HAVE A SPECIFIC ARRANGEMENTS AS TO
3 WHAT WERE YOU GOING TO PAY HER THEN?
4 A SOMETHING LIKE $50 SOMEWHERE IN THERE
5 EVERY 2 WEEKS.
6 Q NOW, YOU INDICATED EARLIER THAT -- I DON'T
7 BELIEVE OR I BELIEVE IT'S YOUR TESTIMONY TODAY THAT
8 YOU DON'T RECALL HAVING ANY CONVERSATIONS WITH MISS
9 JOHNSON OR PERHAPS OTHER PEOPLE ABOUT THE SHOOTING
10 AFTER THE SHOOTING; IS THAT CORRECT?
11 A YES.
12 Q IS IT POSSIBLE THAT YOU MAY HAVE MENTIONED
13 TO SOMEONE WHAT YOU SAW?
14 MR. PATTON: OBJECTION. CALLS FOR
15 SPECULATION.
16 THE COURT: OVERRULED.
17 THE WITNESS: IT'S POSSIBLE.
18 Q BY MR. BROIJGHAM: BUT YOU DON'T REMEMBER
19 ANY CONVERSATION?
20 A NO.
21 Q AND EARLIER, WE DISCUSSED YOUR
22 IDENTIFICATION OR AT LEAST IN THE PHOTO LINE-UP THAT
23 THE DETECTIVE SHOWED YOU DURING YOUR STATEMENT ON
24 AUGUST 20TH, DO YOU REMEMBER WHAT THE FIRST THING

25 WAS THAT YOU SAID TO HIM RIGHT AFTER YOU IDENTIFIED
26 THE DEFENDANT?
27 A YES.
28 Q WHY DON'T YOU DESCRIBE FOR THE JURORS WHAT

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1 THAT WAS?
2 A I ASKED HIM WOULD LUCKY KNOW THAT I PICKED
3 HIM OUT IN THE PICTURE.
4 Q SO THE FIRST CONCERN YOU EXPRESSED TO THE
5 DETECTIVE WAS WHETHER OR NOT THE DEFENDANT WOULD
6 FIND OUT THAT YOU IDENTIFIED HIM?
7 A YES.
8 Q WHY IS THAT?
9 A BECAUSE -- KIND OF AFRAID.
10 Q IF YOU WOULD, WITH THE COURTS PERMISSION,
11 MAY MISS CADE STEP OFF THE WITNESS STAND.
12 THE COURT: THAT'S FINE.
13 Q BY MR. BROUGHAM: DIRECTING YOUR ATTENTION
14 TO THE DIAGRAM, WHICH IS PEOPLE'S 3. WE DISCUSSED
15 AN INCIDENT THAT TOOK PLACE AT OR NEAR MISS
16 JOHNSON'S HOUSE. AND DO YOU HAVE

INDEPENDENT
17 KNOWLEDGE OF HOW MANY HOUSES DOWN FROM THE CORNER
18 MISS JOHNSON'S HOUSE IS?
19 A IT'S 2 HOUSES AWAY FROM THE CORNER.
20 Q AND THIS LOCATION YOU INDICATED THAT YOU
21 WERE STANDING AT AT THE TIME YOU SAW THE DEFENDANT
22 WITH THE GUN TO ROBERTO'S HEAD, IS THAT CLOSE TO THE
23 CORNER?
24 A YES.
25 Q IS IT ALMOST RIGHT ON THE CORNER?
26 A SECOND HOUSE FROM THE CORNER.
27 Q ABOUT HOW MANY FEET AWAY FROM THE CORNER?
28 A I AM NOT SURE.

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1 Q A FEW FEET OR A LOT OF FEET'
2 MR. PATTON: OBJECTION. THIS HE'S
3 LEADING.
4 THE COU T: THAT'S NOT, BUT I CAN'T HEAR
5 HER. SO SPEAK UP REAL LOUD.
6 *0* BY MR. BROUGHAM: YOU HAVE TO SPEAK UP SO
7 THIS LADY THAT IS IN F.RONT CAN TAKE DOWN EVERYTHING,
8 WORDS YOU SAY.
9 WAS IT JUST AFEW FEET OR A LOT OF FEET.
10 MR. PATTON: OBJECTION. LEADING AND IT'S

11 SPECULATIVE, YOUR HONOR.
12 THE COURT: OVERRULED.
13 LET ME RULE ON THE MOTION. - I THINK SHE
14 SAID A LOT OF FEET.
15 THE WITNESS: YES.
16 Q BY MR. BROUGHAM: DIRECTING YOUR ATTENTION
17 TO WHAT'S BEEN MARKED P-EVIOUSLY AS PEOPLE'S 1-B WHY
18 DON'T YOU' STEP 'OVER HERE, IF YOU WOULD AND TAKE A
19 QUICK,LOOK AT THIS PHOTOGRAPH.
20 WHY DON'T YOU STEP TO THE SIDE SO THE
21 JURORS CAN SEE IT.'
22 YOU HAVE INDICATED THAT THIS WAS THE TREE
23 WITH THE BLACK CIRCLE THAT YOU WERE STANDING AT AT
24 THE TIME; IS THAT CORRECT?
25 A YES. ' '
26 Q DO YOU RECOGNIZE THE APARTMENT COMPLEX
27 BEHIND THAT? -'
28 A YES. '

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Q IS THAT THE APARTMENT COMPLEX THAT WE BEEN DISCUSSING THROUGHOUT TESTIMONY?

A YES.

Q IS THAT APARTMENT COMPLEX ON THE CORNER?

A YES.

Q IS THE TREE PRETTY CLOSE TO THE CORNER, TOO?

A YES.

Q WHY DON'T YOU RETURN TO YOUR SEAT.

WOULD IT BE FAIR TO SAY THAT EVERYTHING THAT NIGHT HAPPENED EITHER AT THE CORNER OR NEAR THE CORNER OF 84TH AND KANSAS?

A YES.

Q MAY I HAVE ONE MOMENT, YOUR HONOR?

THE COURT: YES.

(PAUSE IN PROCEEDINGS.)

Q BY MR. BROUGHAM: YOU NEVER HAD ANY

PROBLEMS WITH LUCKY BEFORE YOU SAW HIM PUT THE GUN
TO ROBERTO'S HEAD, DID YOU?
A NO.
Q WHEN YOU WENT IN AND SPOKE TO THE
DETECTIVE ON AUGUST 20TH, DID YOU TELL HIM WHAT YOU
TOLD HIM FOR ANY OTHER REASON OTHER THAN IT'S THE
TRUTH OF WHAT YOU SAW THAT NIGHT?
A NO.
Q GOING BACK TO THOSE DIAGRAMS WE TALKED
ABOUT EARLIER, SPECIFICALLY THE DIAGRAM ON THE LEFT
THE YELLOW SHEET?

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A YES.
Q THAT LINE ACROSS THE STREET THAT COUNSEL
DISCUSSED THAT WAS DRAWN BY THE PROSECUTOR; IS THAT
CORRECT?
A YES.
Q AND THAT SHOWS THE PERSON CROSSING THE
STREET?
A YES.
Q AND, IN FACT, IT IS YOUR TESTIMONY TODAY
THAT YOU DID CROSS THE STREET?
A YES.
Q AND THAT'S IN THE DIRECTION GOING TOWARDS
KANSAS?

A YES.
Q NO FURTHER QUESTIONS.
THE COURT: RECROSS-EXAMINATION.

RE-CROSS EXAMINATION
BY MR. PATTON:
Q MISS CADE, WHEN YOU WERE ASKED AT THE
TRIAL ABOUT PAYING RENT TO MISS JOHNSON, DID YOU
MENTION ANYTHING ABOUT HAVING A FUTURE ARRANGEMENT
WITH HER TO PAY RENT?
A ,EXCUSE ME.
Q DID YOU MENTION ANYTHING ABOUT HAVING A
FUTURE ARRANGEMENT WITH HER TO PAY RENT?
A YES.
MR. PATTON: PAGE 92, LINE 20, YOUR

HONOR.
THE COURT: MR. BROUGHAM.
MR. BROUGHAM: OBJECTION, YOUR HONOR.
THE COURT: SUSTAINED.
THE QUESTION RELATED TO A FUTURE
ARRANGEMENT.
MR. PATTON: VERY WELL.
Q DO YOU RECALL -- YOUR HONOR, THAT'S THE
REASON WHY I WOULD LIKE TO READ LINE 23 TO 26.
PERHAPS THAT WOULD BE DISPOSITIVE.
MR. BROUGHAM: SAME OBJECTION, YOUR
HONOR.

THE COURT: SUSTAINED.
MR. PATTON: 93, YOUR HONOR, LINE 11 TO 26.

MR. BROUGHAM: SAME OBJECTION.

THE COURT: RIGHT, SUSTAINED.

IT TALKS ABOUT HER OPINION. DOESN'T TALK ABOUT THE FUTURE ARRANGEMENT PENDING. THAT'S WHAT THE QUESTION RELATED TO.

Q BY MR. PATTON: HAVE YOU HAD A CHANCE TO READ YOUR TESTIMONY AT THE TRIAL?

A EXCUSE ME.

Q HAVE YOU HAD AN OPPORTUNITY TO READ YOUR TRIAL TESTIMONY?

A YES.

Q CAN YOU SHOW ME AND THE COURT WHERE IT IS IN YOUR TRIAL TRANSCRIPT THAT YOU SAID THERE WAS A

FUTURE ARRANGEMENT? YOU SAID THERE WAS A FUTURE ARRANGEMENT TO PAY RENT?

A NO.

MR. BROUGHAM: OBJECTION. VAGUE.

THE COURT: SUSTAINED.

I AM NOT GOING TO HAVE HER GO THROUGH A LOT OF PAGES OF TRANSCRIPTS, SO THAT'S SUSTAINED.

Q BY MR. PATTON: ISN'T IT CORRECT THAT YOU NEVER MENTIONED UP UNTIL TODAY'S DATE THAT YOU HAD ANY FUTURE ARRANGEMENT TO PAY RENT?

A I SAID NO.

Q THAT IS CORRECT, TODAY, RIGHT NOW IS THE FIRST TIME YOU MENTIONED THERE WAS A FUTURE ARRANGEMENT TO PAY RENT; ISN'T THAT CORRECT?

, A YEAH.

Q AND AT THE PRELIMINARY HEARING, WASN'T IT YOU WHO POINTED ON DEFENDANT'S EXHIBIT C ON THIS DIAGRAM THE DIRECTION THAT YOU TRAVELED AFTER THE GUNSHOT?

A YEAH.

Q AND DID MISS HUNTER SAY TO YOU AT THAT TIME,"LET THE RECORD REFLECT THAT THE WITNESS LAST POINTED ACROSS 84TH PLACE AND EASTERN DIRECTION TO THE SOUTH SIDE OF 84TH. SHE DREW A

DIAGRAM. SHE
25 DREW THIS ARROW. SHE SAID, DOES THE ARROW BASICALLY
26 REPRESENT THE PATH THAT YOU TOOK" AND YOU SAID,
27 "YES."
28 A YES.

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1 Q BEFORE THAT TIME, YOU POINTED THIS OUT TO
2 HER; ISN'T THAT RIGHT?
3 A 'YES.
4 Q AND SHE MERELY DREW IN WHAT YOU POINTED
5 OUT TO HER; IS THAT RIGHT?
6 A YES.
7 Q AT THAT TIME.YOU DIDN'T HAVE ANY PROBLEMS
8 UNDERSTANDING THIS DIAGRAM; ISN'T THAT CORRECT?
9 A YES.
10 Q DID SOMEONE BRING TO YOUR ATTENTION AT
11 SOME LATER POINT IN TIME THAT IF YOU WERE ALWAYS AT
12 THE STEPS AND RAN AWAY FROM KANSAS, THAT YOU
13 PROBABLY DIDN'T SEE THE THINGS THAT YOU CLAIM YOU
14 SAW?
15 MR. BROUGHAM: OBJECTION. ASSUMES FACTS

16 NOT IN EVIDENCE THAT ONE COULD NOT SEE FROM THE
17 STEPS.
18 'THE COURT: WELL, I AM A LITTLE CONFUSED
19 BY THE QUESTION
20 THE OBJECTION WHY DON'T YOU REPHRASE 21THE QUESTION
22 Q BY MR. PATTON: AFTER THE PRELIMINARY
23 HEARING AND AT THE TIME OF THE TRIAL, DID SOMEONE
24 SAY TO YOU THAT IF YOU WERE ALWAYS AT THE STEPS IN
25 THE NORTHEAST CORNER, IT WOULD HAVE BEEN DIFFICULT
26 FOR YOU TO SEE THE THINGS THAT YOU CLAIM YOU SAW.
27 ANYONE SAY THAT TO YOU?
28 A DID SOMEONE SAY THAT.

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1 THE COURT: OBJECTION IS OVERRULED. SHE
2 CAN ANSWER THIS QUESTION AND LET'S GO ON TO A
3 DIFFERENT AREA.
4 YES OR NO.
5 THE WITNESS: NO.
6 THE COURT: ANOTHER AREA.
7 Q BY MR. PATTON: THAT'S ABOUT THE LAST
8 AREA.
9 THE COURT: ANYTHING ELSE ON
10 RECROSS-EXAMINATION.
11 MR. BROUGHAM: I HAD A COUPLE QUESTIONS.
12 THE COURT: I KNOW WE ARE STILL

ON
13 RE-CROSS. I WASN'T CUTTING MR.
PATTON OFF.
14 OTHER THAN THAT AREA WHICH WE
WANT TO MOVE
15 ON TO, ANY OTHER AREAS?
16 ' MR. PATTON: MAY I ASK ONE LAST
QUESTION
17 IN THAT AREA.
18 THE COURT: ONE LAST QUESTION ON
THAT
19 AREA.
20 Q BY MR. PATTON: BETWEEN JANUARY
THE 8TH' AT
21 THE TIME OF THE PRELIMINARY HEARING
AND TODAY'S
22 DATE, HAVE YOU PAID MISS JOHNSON ANY
RENT?
23 A NO.
24 THE COURT: ANYTHING ELSE, MR.
BROUGHAM.
25 MR. PATTON: NO FURTHER
QUESTIONS.
26 MR. BROUGHAM: A COUPLE
QUESTIONS.
27
28 RE-DIRECT EXAMINATION

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1 BY MR. BROUGHAM:
2 Q I BELIEVE YOU INDICATED
EARLIER THAT YOU
3 SOMEHOW INDICATED AT THE PRELIMINARY
HEARING WITH A
4 POINTING OF YOUR FINGER THE
DIRECTION ACROSS THE
5 STREET; IS THAT RIGHT?
6 A YES.

Q BUT YOU NEVER EVER ONCE TESTIFIED IN THE PRELIMINARY HEARING, IN YOUR OWN WORDS, THAT YOU WERE AT THE BUILDING?

MR. PATTON: OBJECTION. ASKED AND ANSWERED.

THE COURT: THAT YOU WERE?

MR. BROUGHAM: THAT YOU WERE AT THE STEPS OF THE APARTMENTS THAT AT THE TIME OF THE SHOOTING.

THE COURT: OVERRULED.

YOU MAY ANSWER.

THE WITNESS: NO.

Q BY MR. BROUGHAM : YOU NEVER ONCE IN YOUR OWN WORDS SAID THAT YOU RAN AWAY FROM KANSAS AT THE PRELIMINARY HEARING; IS THAT CORRECT?

A YES.

MR. BROUGHAM: NOTHING FURTHER.

THE COURT: ANYTHING ELSE.

MR. PATTON: ONE LAST QUESTION.

RE-CROSS EXAMINATION

BY MR. PATTON:

Q ARE YOU BETTER WITH WORDS THAN YOU ARE

WITH POINTING?

A NO.

Q SO YOU ARE JUST -- IT WOULD BE FAIR TO SAY YOU ARE BETTER AT POINTING THAN YOU

ARE WITH WORDS.
5 A ABOUT THE SAME WITH BOTH.
6 MR. BROUGHAM: OBJECT TO THIS.
7 MR. PATTON: NO FURTHER QUESTIONS.
8 THE COURT: I DON'T -- I DON'T KNOW IF
9 IT'S ARGUMENTATIVE. I DON'T KNOW, AND SO IT'S
10 OVERRULED.
11 ,WE ARE NOW GOING TO EXCUSE MIS CADE

EXHIBIT F: DECLARATIONS OF DAPHNE CADE AND KEITH MORISETTE

1

DECLARATION OF DAPHNE CADE

2
I, Daphne Cade, declare that:
3

4 1. I testified for the People of the State of Californiaagainst Robert Lee Broadnex sometime during the year 1993.

2. I never saw anything on the night of this murder and I was living with Debra Johnson. Debra Johnson told me what to say.
I have not seen Debra Johnson for seven years.
~•. I was never an informant for any police agency. My best
recollection is that I received $97.00 for witness fees.
4 During the course of the investigation and trial I was threatened by the police, they put a warrant out for my arrest.

5 Detectives told me what to say when I testified.

6 I know for a fact that Robert Broadnex had casts on both hands and arms and did not do the murder.
7. Debra Johnson told me to say that Robert Broadnex committed
8 the murder because of some drug activity that the victim andJ ohnson were

involved.

7 At the time of the murder I was not present at the murder scene and was with my boyfriend, Keith Marsett. Both Keith and
I are now homeless and live in people's garages and on the Street.

I declare under penalty of perjury that the foregoing is true and correct.
Signed this _29th_____ day of March 2003 in Los Angeles County.
Daphne Cade (Signature)

DECLARATION OF KEITH MARSETT

I, Keith Marsett, declare that:

1 I never testified for the People of the State of California
against Robert Lee Broadnex.

2. During this time of my life I was an ~~EAST COAST~~ 8 TRAY gangster with an AKA.: Fellow.

3. That Daphne Cade was my girlfriend then and still is.

4. That we both live on the streets since my family moved away
and I was screwed out of my home through probate with my family.
5. That I knew of the victim in this case, he would sell drugs
in this area.

6. That I know my girlfriend Daphne was scared by the police and was told what to say. She was also told what to say by Debra Johnson. She told me this immediately after the cops and
Debra spoke to her.

7. That on the night of this murder Daphne Cade was with me
and we walked back to the area and saw police tape and did not

get involved.
I declare under penalty of perjury that the foregoing is
true and correct. Signed this 29th day of March 2003
in Los Angeles County.

(signature of Keith Morisette)
Keith Marsett

Declaration of Keith Marsett